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CASE LOGS

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CULPABLE HOMICIDE

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VGAT

Incident Arrest Trial Conviction Parole Re-integrated

Johannis Jan van der Velde (JJ)
04/08/1971 - 20/10/2018
47 Years, 02 Months, 16 Days

Category: Culpable Homicide
Status: Stage 1

Sgt. BSD Ndlovu
Howick Investigating Officer
SAPS#121/10/2018

Keegan Naidoo
Specialised Victim Support
IMICS#1908/02/2020

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INTRODUCTION

Johannis Jan van de Velde (JJ), (47), a prominent Nottingham Road maize and potato farmer was killed at around 17:30 on Friday evening, the 19th of October 2018 when an alleged drunk driver crashed head-on into his vehicle in Howick. JJ was entrapped and in a critical condition when he was found, and sadly passed away in hospital later that night. JJ, his wife Samantha, and their three children were due to start a new life in Australia in less than three weeks. All five of their farms had been auctioned earlier that year and the family's containers were already being shipped to Australia, where they had bought a farm.

We were devastated to hear of the death of this Nottingham Road farmer who was well known in the community as a dedicated and charitable man, and an inspiration to the whole community.

Samantha, his wife, had spoken to her husband shortly before the accident on Friday and was waiting for him to return home at around 5.30 p.m. She then asked her eldest son to go and see if his car had broken down somewhere. When his son was driving down Main Road, he came across the accident.

Van de Velde originally came from Holland in 1993 and settled in the Midlands, purchasing the farm "Zuivergoud" outside Nottingham Road in 2000.

Some of JJ's most notable achievements include:

- Van de Velde was selected as the KwaZulu-Natal Agricultural Union (Kwanalu) Young Farmer of the Year for 2005 and was renowned as an expert in maize and potato farming.
- He also served on the board of directors of the Potato Certification Service since 2013. Sanette Thiart, chief executive officer of the Potato Certification Service described him as an "outstanding farmer". "He was such an example for every one of us. It is a huge tragedy for us to lose such a hardworking farmer," she added.
- Sandy la Marque, Kwanalu chief executive officer, said: "He also showed an exceptional display of generosity when he donated 800 bales of hay to aid of his fellow farmers suffering from the crippling drought in the Hluhluwe area during 2016."
- A tragic case of culpable homicide, reckless and negligent driving and alleged driving under the influence of alcohol is currently being investigated.

"This is a textbook case that we are warned about all the time by authorities, parents and friends that deeply care about us. We are also very mindful of the suspect in this matter, his family and all those around him. We are doing all we can to assist in dealing with the anger, forgiveness and justice of this situation as three separate but all deeply connected and co-dependent elements to find a way forward for all involved." – Brian Jones

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SAMANTHA VAN DE VELDE: VICTIM IMPACT STATEMENT

CROSSING PATHS & LIFE TOGETHER

I was 22 years old when I first met JJ at a mutual friend's birthday party in 1998, he was 27 at the time. I was instantly attracted to his enthusiasm for life, his passion for what he talked about, and what a polite and caring gentleman he was.

He was an easy person to love, he gave so much of himself, was a selfless, honest and loving person, and a loyal and committed man. Our relationship grew from strength to strength as we planned our future together. We were a formidable team in our pursuit for our farm and were a huge support to one another as we settled into the big move of family life, bought our farms and grew our business and family together.



Although it was cut short, JJ and I shared an incredible journey together. We speedily progressed in our relationship and lives from only just meeting to getting married, having our first child, our son JP, and buying our farm. We settled into the changes quickly and comfortably, all this in just over a year!

JP was born in 1999, and we moved onto our own farm in April 2000, with little to our names. JJ was so excited to be starting out on his own, and was exceptionally grateful to the Fowler Family that had enabled him to settle in South Africa from Holland with the experience and the connections he made through them. Being Dutch, he was so different from what most of us in the family were used to! He was taken in by my family and extended family and loved dearly.

We then had our two daughters Emma and Grace, and during the coming years we bought neighbouring farms and businesses and he put in everything he could to make this work. JJ was a hard-working man, and deserved every success he achieved.

His love for sharing his knowledge was evident in everything he did and he was a constant encouragement to myself, our children and my family.



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SPECIAL MEMORIES & ACHIEVEMENTS

JJ completed a BSC degree in Agriculture in Holland. He travelled to France as well as to Canada to work, and worked with his dad in Holland on their family farm. On the “off season,” he would travel to South Africa to work on the Fowlers potato farm. JJ was awarded numerous farming awards. He was Young Farmer of the year in 2005, Seed Potato Grower of the year in 2007/2008 and was runner up National Potato Farmer of the year in 2009.

JJ was also a hugely generous man, constantly donating and supporting our local community, farmers in need, and his staff. He was a kind and considerate man with his staff and provided for them above and beyond what was required. JJ and our family donated hundreds of hay bales to the Zululand farmers in a time of drought. He was always first to step up when friends or family were in need.



JJ shared special moments with his children, school concerts where he was the loudest applauder, the loudest shouter at sports events, often “embarrassing” his children (though they loved it). He was a huge presence at all school events, family gatherings, weddings etc. Everybody knew and loved JJ's large presence.

Unfortunately, JJ was not able to see our son JP graduate from High School which happened only weeks after his death. JP excelled at his final exams despite going through one of the toughest situations imaginable.



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THE INCIDENT

On the night of JJ's accident, I was visiting with my parents at an Aunt's house. They were at this point staying with family. We were living in the home of one of my other Aunts temporarily as we had packed up our containers and sold the farm, and were preparing to immigrate to Australia.

I had only just spoken with JJ minutes before the accident. We had planned on taking the family out to dinner at a local restaurant. I had asked him to fetch me on his way past as he was about to leave David Fowler's farm after a cup of coffee and a catch up.

I waited and waited but he did not arrive. My parents were waiting to leave so I decided to walk back to the house where we were staying. I had called him over and over again with no answer, and messaged him and not had any response. I presumed he was either still chatting or had stopped off at his friend Abdul at the 'Everything Store' for a quick hello.

Grace was still at boarding school at the time and I was with my daughter Emma at the house, continuously trying to reach him. At some point, JP then arrived home with his girlfriend and we became a little concerned as it was so unlike JJ to not answer calls. I asked JP to take a drive and see if his dad was with Abdul, as he had literally been only about 15 minutes away at David's house and it was taking too long. We thought maybe he had broken down, left his phone behind, our minds were everywhere.

In my gut, I felt something was not right. Emma was playing the piano, I'll never forget it, and we heard ambulances and sirens go by. I said to Emma, "oh I shouldn't have asked JP to go, what if Dad has been in an accident", little did I know this was exactly the case.

I then received a phone call from David to say that JJ had just been in an accident, and that he was going there now. I quickly called JP but sadly I was too late, he had arrived on the scene to find his dad in his vehicle on the side of the road. I cannot to this day imagine what he must have gone through, and I will never forgive myself for asking him to take that drive. It is something that I imagine he will never forget.

David called me back to say that it looked pretty serious, and that he'd hit his head, but at no point did I ever think that it would be as severe as it was. At this stage, I called JP back and he said they were going to take JJ to Hilton hospital. I jumped in the car with Emma, and went to fetch my parents who drove us to the hospital. We later fetched Grace from boarding school as it was taking so long to hear any news.

It was hours and hours that we waited for JJ to arrive at the hospital. We expected him to arrive just after we had but later discovered that there had been so much to do at the scene of the accident. Friends kept arriving at the hospital and the waiting area was eventually filled with a huge group of family, friends, and colleagues, all waiting for news of JJ's condition. We were clueless as to the severity of his injuries, and when he finally arrived at the hospital we were told he had some broken bones and maybe a head injury, we presumed he would be "ok"

At no point did any of the nursing or doctor staff inform us of the severity of JJ's injuries. I later found out that they had resuscitated him I think three times between the accident and the emergency rooms. Nobody was giving us as a family updates on the arrival time, what they were doing, or what the prognosis was, and as a result, we were left with false hope only to have our thoughts smashed with the news that he had passed.

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It was clear that JJ's injuries were fatal, if not "near fatal", and that the chance he had was minimal, and to soften the blow of his loss to us as a family, it would have helped if we had been prepared. I went back and forth to the reception desk at emergencies repeatedly trying to get updates and nobody wanted to or was able to tell me anything. When JJ finally arrived we were fed false information and downplayed injury reports.

Later we were asked who the immediate family was. My parents, myself and our children were taken into a tiny room, sat down on the bed and chairs, and advised by the doctor that they had done everything they could. My first instinct was "we've done everything we could but he's going to have to have surgery" or something of that sort, and when the doctor said "we were unable to revive him" my entire world just collapsed. My youngest child Grace was repeatedly asking "Are you sure? Are you sure ???". Emma could not bear to be in the room, and ran out of the hospital into the car park. I just sat there and repeatedly said "it can't be, we have so much planned, we're moving to Australia, he's too young we have so much to do still". My son was quietly crying, and my parents were just hugging us all and in such disbelief.

THE LOSS OF YOUR LOVED ONE

I still have screenshots of our last conversation. I hold on to that last conversation, but can no longer remember his voice in my head. I was not able to see JJ before he passed, I would have given anything to hold his hand in those last moments.

All I can clearly remember about the memorial service is driving down the main road of Howick towards the Church, and seeing cars backed up as far as I could see. It broke my heart because JJ had always said "I wonder how many people would pitch up for my funeral". If he could just see the hundreds and hundreds of people that had loved him and arrived to honour him. I remember sitting listening to my brave and amazing children all do a speech about their dad, and being stunned and so proud of what they said and how brave they were. The number of people that came to that service to honour JJ was such a true reflection of the man he was.

Our children are now very aware of drunken driving and speeding and comment on this all the time. I constantly wish we had left the country two months earlier. When I think of the perpetrator, I am reminded of how lacking the justice system was for us in terms of following through and implementation of the law. One of the biggest lessons JJ taught our children was to always hold themselves accountable for their actions. This lesson our children have learned well, and one of our biggest sorrows is the fact that despite ingraining this in them, the perpetrator is now not being held accountable for his actions, especially when the results have been so devastating.

When people hear about how this happened, our circumstances, and that we were on the verge of starting a grand new adventure together, their shock and dismay are so evident, and it's a heavy heavy feeling having to explain this to people, as it's a reminder of what was to come together as a family. I talk regularly about JJ to friends and family, he is remembered so fondly and constantly talked about. We are a very open family and though some of us keep it to ourselves, there is constantly open conversation about him.

In the first week after losing JJ, I was unable to switch off. There was so much I had to tie up for our upcoming immigration. As a family, we decided together that we were forging ahead with our plans no matter what. I had to finish off with the farm sales, all the immigration paperwork, as well as remain in touch with business in Australia as we were already farming on our new farm

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there. I so wish that I had been there more for our children but getting their future in order was my priority. I wrote in a diary to JJ every day, the loneliness I felt in completing our plans, the gap that was left, the insecurity of whether I was doing the right thing, and knowing that the one person that could tell me everything was going to be ok, was the one that was not there.

In the months after JJ's loss, there were waves of deep depression, devastating sadness, and such a hopeless feeling of being alone. Our move to Australia and setting up there with all our family around us, JJ's parents coming to Australia with his sister and family to visit us, helped to ease the pain a little. There were moments of laughter, still of disbelief, and for months after and still today, the huge hole that was left in our lives felt so deeply.

Being able to forge on with our new adventure in Australia was a welcome distraction in it's own way, although we were constantly confronted with decisions that we needed JJ's input in. I personally made it my goal to ensure our children got everything they needed to make them feel settled and at home, both physically and emotionally.

We went through some huge emotional problems. I was already on an antidepressant as we were struggling to get our farm sales tied up and were leaving family etc, and this was increased after losing JJ, as well as taking mild sedatives in the months to follow. Our girls were also put onto some coping medication, and something to help them sleep better.



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WHERE ARE YOU NOW & HOW IS YOUR FUTURE DIFFERENT

There will never be a “normal” feeling again as a family! The gap cannot be filled, our children will never have another father, they will never have daddy walk them down the aisle, or shake his hand as a new husband, or share the joy of him becoming a grandpa. Our family remains broken forever. A state of peace or anything near what we had before is not ours to have, we as a family will need to find peace of a different kind and without JJ.

What we miss, and what we will miss out on in the future cannot be expressed enough. Having JJ as a husband, as a father, having that person support decisions we make, there are parenting moments that break me. I do not have JJ as a partner to turn to when our children are not coping, or when I need to make decisions that affect our children or the business. The sense of being so very alone in everything I do is immense. I cannot describe how hard it is to need someone, that person that stands by your side in all you do, and that you did as a couple and as parents, and know that they are gone. Our children will not have their dad commend them on achievements, support them through hardships of “growing up”, he will not be there to advise them of what roads to follow in their further studies, or as a support in their relationships, or see all their “firsts” as adults. Knowing this is a daily sadness, and something I am constantly in mind of.

I have no acceptance! I accept that he has passed, we accept as a family that this is it, nothing will change, but until such time as JJ is honoured with Justice, we cannot accept HOW it happened.

I have had to become a single parent! not by divorce, not by choice, but a widow. I do not have that partner or parent to turn to for our children when I need to, when it's time to make hard decisions, I am again reminded of the loss of JJ. When one of my kids does something great, I cannot share that with him, or when I see something I know he would love, I cannot show him. When I learn something new, or see or hear something funny I cannot share that, or laugh with him.

I carry an “anger” within me, that he was taken away. I live with significant regret of any arguments, of times we were not getting along, or had a bad day, or if I had said something mean, or hurt him. I constantly tell my girlfriends and family to embrace their relationships, good and bad days, so that they don't have to live with the regret of something they once said or did. Living with regret or guilt after losing a loved one is apparently normal, but nothing can fix that. I have become a lover of life, but with it comes a terrible sadness behind the reason why I now feel so strongly about that now.

I am so afraid of living alone and growing old lonely. Every time something comes up, a milestone with our children, I fear that I will hurt again. I am also constantly in fear when loved ones are on the road. I used to tell JJ all the time that I wasn't worried about his driving when he went away, but rather about other drivers that could cause an accident through negligence or intoxication, something that I now fear even more.

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IMPLICATIONS OF LOSS

There is something about being a widow that puts you on a whole different level to “normal” people!! I have had friends lose a husband, but until I lost JJ I could not comprehend the level of pain and suffering the family must endure. I was also on a Facebook group for widows, it was a huge help in at least figuring out what was normal to feel.

Moving away from our “home town” I believe in its own way has made it easier for me to move on. I still have the usual constant reminders of JJ, of the pain, of the things we did together, going to kids school functions etc, but because I am in a new location that I never got to share with JJ, there are fewer reminders of what one would face on a daily basis. I have however lost so much connection with our community back in South Africa, not only due to JJ’s loss but also moving away. Moving here to Australia as a widow has been even harder, into a community where there are large farming families, and not being included as a “couple”. It seems people find it hard to embrace you as a widow, like it's awkward to have you around at a group gathering where it's all couples.

What have I lost? Without exaggeration, EVERYTHING!! I have lost my life partner, my husband of 20 years, the father of our children, the chance at continuing our dream of living in Australia, the opportunity to share so much in the many years we had to come.

I have lost the security of having a loving caring reliable man as my husband and business partner, the opportunity to have that shared joy of becoming parents in law, of becoming grandparents.

Our children have lost their youth as they have had to grow up so fast. Our son JP had to become the man of the home without the chance of learning more from his dad, without being able to share his passion for farming, and having that role model to turn to for advice and to have his dad be proud of him. Emma was passionate about singing and piano playing and music, and this was her and her dad's special bond, and to this day she still does not want to embrace that anymore as it hurts too much to not have that special connection to share with her dad.

I have also lost a connection with my in-laws. Although we still talk all the time and our link and mutual love for JJ and each other keeps us together, nothing feels the same anymore because something is missing. I have had to be a form of support for them constantly as JJ is not there to talk to them weekly and keep them up to date on the family. Every time I do that it hurts beyond belief.

I have lost months and months of my life to grief and sorrow, and have lost some health in the process. I have lost my faith in humanity to a certain extent as well. I have lost everything that JJ and I dreamed of.

I have had to fulfil the position of both mum and dad to our children, things that my kids would have wanted to ask dad, or get his wisdom on, I am who they have.

I have had to, in the days that followed the loss of JJ's, make decisions and choices about our families future, the business plans in Australia, and farming that would make or break where we are today, and that I should not have had to handle alone. In many of these cases, JP, having had

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to step up as the man of the home, has had to make these decisions alongside me and I am incredibly proud to say he has achieved all of this spectacularly.

As a parent I have had to make decisions for our children's education, and have had to dig into my depths to be patient with them when they are having a bad day as I do not have JJ at my side to talk things through with us, or for them to turn to when I'm not able to help.

Every decision to do with business, financial as well as our personal lives remains on me, how to move forward, every life decision. These are things that we used to discuss in depth.



I still have moments daily where I break down and cry. When reminded of being alone now, when making decisions, when I have to ask for help, when I see a photo, when I make his favourite meal, when my kids are sad, when things happen that I'd have loved to share.

Fortunately, I have had no issues with sleeping since losing JJ. I sleep peacefully and when I have these moments of pain during the day I am able to let it out, I can cry, or be angry, and move on from it. I try to not let our children see me cry, they do not have to see me suffer, they have suffered enough. I find times and places to let go of my emotions where they do not have to share in it.

Life will never be normal. I am no longer on depression medication, I have moved forward believing that JJ would want us to be joyful and happy and embrace the future we have been given, and in his honour, I embrace life!

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I am no longer “a couple”, I am no longer “parents”.

Life since JJ’s passing has become extremely lonely, and having moved into a new small community as a widow has been hard. We do not go away to places, or camping, or visit, or attend functions, as a family because it is too much of a reminder of the missing person, and it hurts. It hurts to plan a holiday, knowing he will not be with us, it’s hard to meet up with other families with the status of our family “widowed, husbandless, fatherless”.

We have been blessed with the fact that JJ was such a successful and prepared farmer, and also extremely fortunate that he was such a good teacher and that JP is such a passionate farmer. He has stepped up and into JJ’s shoes with huge pride, and has excelled at doing so. We are very lucky to be where we are financially due to the hard work put in over our 20 years of marriage.

Losing JJ, such a solid, honest, loving, caring, person, has left me devastated. We were a team, we were a couple, we were a united front. We rarely spent time apart and then would call each other easily up to ten times a day. JJ was in and out of the house and office regularly, we were together all the time.

To lose him, and not have him by my side in everything I do has broken me. I am alone in all the decisions I make, all the laughs I have, all the joys I share with our children. Sitting in front of the tv at night, or waking in the morning, or having a cup of coffee in the kitchen, the gap I feel is so hard to describe.

Emotionally, I am constantly between happiness, at seeing something amusing, being proud of our kids, or being excited about a prospect, and falling into tears when I cannot share it with JJ.

I am now alone. I know I will find happiness with a companion, but nothing will replace the bond that JJ and I shared as parents, as a young happily married couple, everything I knew and loved as a family has been taken away.



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GRACE VAN DE VELDE: VICTIM IMPACT STATEMENT

Although Together SA CAN did not ask Grace van de Velde to provide a Victim Impact Statement, she wrote one out of her own, firstly starting with a poem for class that was widely shared and recognised, followed by an Essay which her teacher then submitted to Heywire.



Heywire is an initiative of the Australian Broadcasting Corporation and is run in partnership with the Australia Government, celebrating young regional and rural Australians.

Grace was recognised and given a national award for her writings which helped to highlight to the Australian Government the ongoing case in South Africa which they are now following.

The overall contents of this statement are testimony to the consequences of drinking and driving for a young 14 year old and the impact it has had on her life. The loss of her dearly beloved father, the openness and honesty, it cuts deep to our hearts and souls.

Brian Jones (SA7)
Brian's Passionate Desk

Grace van de Velde: Heywire

My whole life I lived in South Africa, with all my friends and family constantly around me. I felt as though my life was perfect. I was in the top teams for all my sports and was doing really well at school. Little did I know my life was about to take a turn for the worse, when my Mum and Dad sat the family down and told my siblings and me that we were going to be moving to Australia.

I was 13 at the time and I had just started year eight at a new high school. I was angry, I spent nearly the whole year fighting and shouting at my parents, saying horrible things. The year was rough, my grades dropped drastically and I didn't play sport anymore. It got even worse on the 19th of October 2018 when my Dad was killed by a drunk driver in a tragic car accident, only a couple of weeks before we were supposed to move.

Guilt, regret and loss was what I felt and still feel to this day after that accident. I spent so long being angry at my Dad that I didn't realise he was only doing this so I could have a better future in a safe country. I wasted so many moments with my Dad being grumpy over a small thing in my life, instead I could have spent those moments with him creating good and happy memories.

For the rest of the year I didn't attend school, instead I spent that time mending my relationship with my Mum and the rest of my family. I ended up getting really excited for this new great adventure, this was my way to apologise to my Dad for everything that had happened. I was so proud to be able to fulfil my Dads dream in Australia and I will continue to do that by building my future and living my life to the fullest.

Nobody knows what something is like until it has happened, so don't waste your time being angry and holding onto the little things because life is too short for you to do something that you will regret. As in the famous movie 'Forest Gump' he quotes that "life is like a box of chocolates, you never know what you are going to get."

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English Poem

Date:

Page:

Consequences

One shot,
Two shot,
Three shot,
Four.
You should've stopped there,
but instead you had more.

You got lots to celebrate,
You have had a good day.
You are over the limit,
but you are still on your way.

A father,
a brother,
a husband,
a son.
Who meant the world to everyone.

You ended his life,
and ruined many more
because of your reckless act
just minutes before.

One year later and you have moved on,
but the grief of the family will never be gone.
Do you feel remorse?

Do you ever think,
of the consequences,
of that fateful last drink?

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HEYWIRE

HIGHLY COMMENDED

2021

Congratulations

Grace van de Velde

WA

Highly Commended in
the Heywire Competition



David Anderson
Managing Director
Australian Broadcasting
Corporation



**The Honourable Michael
McCormack MP**
Deputy Prime Minister



John Harvey
Managing Director
AgriFutures Australia

 **HEYWIRE**

Australian Government
Department of Health
Department of Infrastructure, Transport,
Regional Development and Communications
Department of Agriculture, Water
and the Environment
Department of Social Services
Department of Education, Skills
and Employment


AgriFutures
Australia

HEYWIRE IS AN INITIATIVE OF THE ABC RUN IN PARTNERSHIP WITH THE AUSTRALIAN GOVERNMENT,
CELEBRATING YOUNG REGIONAL AND RURAL AUSTRALIANS

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CONCLUSION

The South African Police Service began the investigation and collection of evidence. The perpetrator was arrested and charges laid.

It was determined that an alleged drunk driver had lost control of his vehicle around a corner, and had collided with JJ head on, on his side of the road. Ultimately this resulted in his death. This was determined by Howick SAPS and the SAPS Accident Collision Unit's methodical investigation processes and reconstruction of events. The focus of the case therefor shifted to reckless and negligent driving and culpable homicide.

After several court appearances, the matter was provisionally withdrawn against the accused by the National Prosecuting Authority for further investigation at which point the family requested for SVS to be activated (Wednesday, 19 February 2020 at 16:37).

All tasks were completed by the Investigating Officer, Sgt. BSD Ndlovu and indirectly station management who ticked all the boxes and requests from the NPA. It is our understanding that the NPA seem unable to reach a decision to enrol and proceed.

The docket has been with the NPA for months and months which now reflects on the SAPS not only locally but internationally as well.

On request of the family we have now asked Lieutenant General Nhlanhla Mkhwanazi, Kwazulu-Natal, South Africa, Provincial Commissioner, along with his District Commander team to support JJ and the Howick Investigating Officer Sgt. BSD Ndlovu.



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