IN THE CONSTITUTIONAL COURT OF THE REPUBLIC OF SOUTH AFRICA
HELD AT JOHANNESBURG

CASE NO. CCT23/01

In the matter between:

DAVID ASHLEY PRICE Applicant

and

THE STATE Respondent

SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

DAVID ASHLEY PRICE

do hereby make oath and say that:

1.

I am the Applicant in the above matter. I refer to my Founding Affidavit and Notice of Motion. I wish to point out the following typographical errors and respectfully pray that it may please the above Honourable Court, at the hearing of the main application, to have regard hereto and to amend the Notice of Motion as per amended notice filed herewith.

2.

Paragraph 1.3 of the Notice of Motion incorrectly requests leave to appeal to "the above Honourable Court". This should in fact read the "the Supreme Court of Appeal".

3.

It appears further that MESSRS JOSE NASCIMENTO may have failed, upon the eventual issue of my application, to amend unnumbered paragraph (a) on page 2 of the Notice of Motion in respect of the date upon which the Respondent was required to notify me in writing of his intention to oppose the application. I refer to my affidavit filed in support of the Application for Condonation. The main application, when it was first presented to the Registrar for issue, was declined by the Registrar on the basis that it was necessary for my attorneys to prepare a substantial application for condonation and first to serve a copy of the application on the Respondent in Port Elizabeth. As it turned out, the office of the Director of Public Prosecutions notified its intention to oppose the application even before it was issued out of the above Honourable Court. As the matter of the *dies* has become academic, I respectfully pray that it may please the above Honourable Court to condone the "short service" of the application.

4.

In my own Founding Affidavit, the following errors appear:

4.1 In paragraph 9.2 the reference to DAP 6 should read DAP 8.

4.2 In paragraph 21 the reference in the second last line to "primitive" should read "punitive".

4.3 In paragraph 32 the date in the second last line of the paragraph should be "2000" and not "1999". My attorney, BELINDA CHERRYL HARTLE has repeated the same error in paragraph 5 of her affidavit in the last line thereof.

1. I also wish to clarify, with regard to paragraph 32 of my Founding Affidavit that the

EASTERN PROVINCE HERALD did indeed quote from the press release provided to them by my attorney (Annexure “DAP 33"), but not the full text of the release as I had specifically requested.

2. Wherefore I respectfully pray that it may please the above Honourable Court to grant the relief sought in my Notice of Application prefixed hereto.

DEPONENT

SIGNED and SWORN at PORT ELIZABETH before me on this 2ND day of JULY 2001, the Deponent having acknowledged that he knows and understands the contents of this Affidavit which was deposed to in accordance with the regulations governing the administration of an oath as more fully set out in Government Notice R 1258 of the 21st July 1972, as amended by Government Notice 1648 dated the 19th August 1977.

COMMISSIONER OF OATHS