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Subject: Cora - Beamishes Pawn

O'Sullivan, Naidu found not guilty

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Paul O'Sullivan and his former associate Melissa Naidu were found not guilty on charges of extortion.

Forensic consultant Paul O'Sullivan and his former associate Melissa Naidu were found not guilty on charges of extortion, intimidation and kidnapping in the Randburg Magistrate's Court yesterday.

The case relates to an interview they conducted with the complainant Cora van der Merwe in October 2015. Van der Merwe at the time worked as a cost consultant for former personal injury lawyer Ronald Bobroff and Partners (RBP), who hired O'Sullivan to investigate the leaking of information from his practice.

Van der Merwe later admitted that she sent the information to then Moneyweb journalist Tone Beamish and considered herself to be a whistleblower.

After the court finished delivering its judgment, O'Sullivan vowed to send prosecutor advocate Jabulani Mlotshwa to prison. Magistrate Ndivhuwo Sethusha said the state failed "dismally" to prove the accused's guilt on any of the charges.

Too much time lapsed between the incident in October 2015 and the taking of Van der Merwe's statement at the end of 2016 and the police investigation was done poorly, she said.

Sethusha said Van der Merwe was a single witness and as such her evidence had to be approached with caution. It had to be consistent and reliable in all material instances, which it wasn't.

Van der Merwe changed her story and did not explain her actions on the day of the incident to the satisfaction of the court. Van der Merwe was inconsistent and evasive in answering questions in court, she found.

She rejected Van der Merwe's evidence that she was taken from Bobroff's offices to O'Sullivan's on the fateful day without her consent.

She said Van der Merwe could have spoken out to colleagues or security staff and had more than one opportunity to phone the police. She said a video recording of the interview showed a relaxed atmosphere and Van der Merwe did not look fearful or as if she was being restrained.

Her actions to send her employer's information to a journalist were malicious and unlawful, since a journalist is no relevant authority for a protective disclosure, the court found.

O'Sullivan laid charges against Mlotshwa in 2014, long before the events that led to this trial. Moneyweb was not able to reach Mlotshwa for comment.