

Public Prosecutor v Wang Wenfeng  
[2011] SGHC 208

**Case Number** : Criminal Case No 4 of 2011  
**Decision Date** : 20 September 2011  
**Tribunal/Court** : High Court  
**Coram** : Lee Seiu Kin J  
**Counsel Name(s)** : Eugene Lee, Lin Yinbing and Ilona Tan (Attorney-General's Chambers) for the Public Prosecutor; Cheong Aik Chye (A C Cheong & Co) and Chong Thiam Choy (Loo & Chong) for the Accused.  
**Parties** : Public Prosecutor — Wang Wenfeng

*Criminal Law – Murder*

[LawNet Editorial Note: The appeal to this decision in Criminal Appeal No 17 of 2011 was dismissed by the Court of Appeal on 3 July 2012. See [\[2012\] SGCA 47.](#)]

20 September 2011

Judgment reserved.

**Lee Seiu Kin J:**

**Introduction**

1 The deceased, Yuen Swee Hong, had been driving taxis for a living for some 20 years. He lived in a Housing Development Board flat at Serangoon Avenue 4 with his wife, PW8 Chan Oi Lin (“Chan”), a son in national service and a daughter of school-going age. The deceased’s aged mother also lived with them. Chan worked as a receptionist. Until 11 April 2009, the deceased’s family was a picture of domestic normalcy, no different from thousands of families in Singapore. On that day, their lives changed dramatically.

**Evidence of Chan**

2 11 April 2009 was the Saturday following the Good Friday public holiday of that year. The deceased, who drove the night shift, had left home at about 10.30pm the previous night. He would usually get home by 8.00am. But that morning, when he did not turn up by 8.15am, Chan called him on his mobile phone while she was travelling to work. Her call was not answered. She tried again about half an hour later, but it was also not answered. By then Chan had arrived at her office. She placed her phone in the drawer of her desk and went to the toilet. When she returned, she saw that there was a missed call alert on her phone. The call was made from the deceased’s phone. She immediately returned the call but it was answered by an unfamiliar male voice who spoke in Mandarin with what Chan described as a “mainland Chinese” accent. This was Chan’s account of the conversation at paras 5–6 of her cautioned statement:

5 The man said to me in Mandarin, ‘*he left his phone here you come and collect*’. I asked where I could collect the mobile phone. The man then asked who I was. I responded that I was the wife ... At this, the male voice raised his tone and said ‘*he is going to die*’. He also said ‘*he is now in my hand*’. When I heard this, I became alarmed at the thought of the deceased in danger. The male voice demanded a sum of S\$150,000 to secure the release of the deceased. I tried

negotiating with him by saying that I did not have so much money. The man warned me not to tell anyone about the call or to alert the Police. He then terminated the call.

6 I called the deceased's mobile phone again and the same male voice answered my call. I pleaded with him to let my husband go and said that I did not have money. The man told me to look for the money. I asked him to allow me to speak to the deceased but he did not reply. I then asked how he was sure that the person he had was the deceased. The man replied that the deceased was wearing a white top, skinny in built and drove a taxi. When I heard his description, I realised that his claims were genuine and I pleaded with him not to harm the deceased. I told him again that I did not have money. The man told me to look for money and terminated the call.

3 Chan then contacted her daughter and the deceased's sister before leaving her workplace. She reached home at about 10.00am. Her children, along with the deceased's brother, Yuen Peng Yin ("Yuen") were already there. They decided to call the police and shortly thereafter some officers arrived. At about 11.00am, Chan received a call on her phone from the deceased's phone. The same male voice was on the line. He asked Chan if she had the money. Under the direction of one of the police officers, Chan said that she had \$80,000. The male caller told her to deliver the money to Sengkang Mass Rapid Transit ("MRT") station by 3.00pm. He then ended the call. At about 3.00pm Chan received another call from the deceased's phone. It was the same male caller. Chan told him that her relatives from Malaysia were coming with the money and she required time. She said that she managed to raise \$5,000 and pleaded with him to release the deceased. The male caller asked if she had contacted the police and Chan lied that she had not. He said that he would call again the following day.

4 On Sunday 12 April 2009, at about 10.00am, the call came from the same male caller. He asked Chan how much money she had and she replied she only had \$5,000. He told her to deliver the money to him at Marsiling MRT station within 30 minutes. Chan pleaded for more time as she had to make her way there. He agreed to 12 noon. Chan left home with Yuen who drove her there. She tried to call the deceased's phone to tell the male caller that she would be late. However he had turned off the phone and her calls were diverted to the voicemail service. At about 1.00pm, the male caller called and asked if she had arrived. Chan said that she had taken a wrong turn and would arrive in 30 minutes. He terminated the call abruptly. She finally arrived at Marsiling MRT station just before 2.00pm but there was no call from him until 3.00pm. However although she could hear it was the same male voice, she could not make out what he said as the place was noisy. Before she could move to a quieter location the line was cut off. Chan sat at the bus stop to await his call. After about ten minutes, she received a short messaging service text ("SMS") from the deceased's phone. It was in Chinese and translates as "*China Construction Bank Fujian Branch: Wu Wenhong: [xxx]*". Then her phone rang. It was not a call from the deceased's number but from a private line. It was the same male caller. He instructed Chan to remit the money to the account number he had just provided by SMS. He then hung up. Chan discussed this with Yuen and decided not to comply with the male caller's instructions, feeling that he would not release her husband in any event. She sent him an SMS in English asking to first hear her husband's voice before transferring the money. There was no reply. About half an hour later, she received a call from the male caller who asked if she had remitted the money. Chan replied that she did not know how to do it and asked to meet him. According to Chan, his reply in Mandarin (as translated by Chan) was: *'your husband has not eaten any food for two days, he has bled a lot and still you are not remitting the money'*. He then ended the call. Chan and Yuen remained at Marsiling MRT station for several hours; they left at 10.30pm. Just as she arrived home, Chan received a call from the male caller using the deceased's phone. He again asked if she had remitted the money and Chan repeated that she did not know how to do it. The male caller said that he did not care and ended the call abruptly. That was the last time Chan heard from him.

## **Police action**

5 At 9.52am on 11 April 2009, the police received the report that the deceased had been kidnapped. They swung into action. Officers were despatched to Chan's home to assist her in dealing with the person making the calls to her. A check was made with the taxi company on whether its global positioning system ("GPS") could locate the deceased's taxi. The information obtained enabled the police to narrow their search to the vicinity of the last reported location of the taxi. Assistant Superintendent of Police Daniel Wong ("ASP Daniel Wong") took charge of the investigation at 12.35pm. At 11.35pm that night, the taxi was found at a multi-storey car park at Canberra Road. It was parked at Deck 5B which was one level below the top deck. External inspection was conducted by Assistant Superintendent of Police Christopher Jacob ("ASP Jacob") and Assistant Superintendent of Police Kelvin Kwok ("ASP Kwok"). They observed that the engine was turned off but the fare meter was still running. There was blood in the cabin and the interior appeared to be ransacked. They also saw a left shoe on the floor mat of the driver's seat. At 12.15am on 12 April 2009, they handed the taxi to an ambush team to keep discreet observation in case the culprit returned to the taxi. By 5.30am there was no sign of anybody going up to the taxi and ASP Jacob and ASP Kwok returned and searched the vicinity of the taxi for clues. The taxi was towed to the Police Cantonment Complex ("PCC") just past midnight on 14 April 2009. There, Senior Station Inspector 2 Colin Han ("SSI2 Colin Han") took custody of it and placed it in the basement of the PCC where it was secured by a roller shutter. At 4.10am ASP Wong took possession of the taxi and its keys from SSI2 Colin Han.

6 On 13 April 2009, at about 1.00pm, the accused, Wang Wenfang ("the Accused"), was arrested outside a third level unit at People's Park Complex. He was brought to the Criminal Investigation Department ("CID") (located at the PCC) and his interrogation began. That night, the Accused was brought to his rented room at 7A Jalan Legundi. The police searched it and seized a number of items. He was brought back to CID for further questioning. Over the next two days the police brought the Accused to Beach Road in the vicinity of Middle Road to point out where he had found the deceased's mobile phone as he claimed. He was then brought to Beach Road, opposite The Gateway, which was where he claimed he had called Chan from. He then showed the police the bus stop at Beach Road from which he had boarded the bus to Geylang. They moved on to a 7-Eleven store at Geylang Road where the Accused said he had thrown away the deceased's mobile phone. The Accused would subsequently admit that he had made up these matters and had led the police on a bit of a wild goose chase.

7 On 17 April 2009, at about 4.20pm, ASP Wong asked the Accused, through a Chinese interpreter, if he was willing to show where he had disposed of the deceased's body. According to ASP Wong, the Accused told him that the body was at Sembawang and he agreed to lead them there. At about 4.25pm, ASP Wong took the Accused out in a car with the interpreter and three other police officers and they headed for Sembawang Road. At Sembawang Road near Jalan Legundi, the Accused directed the police officers towards Sembawang Park, turning into Andrew Avenue, then into Jalan Inggu before arriving at a dead end road at the end of Jalan Selimang. They got out of the car and ASP Wong asked the Accused, through the interpreter, where the body was. The Accused pointed to the bushes on the left of the road. ASP Wong asked him to lead the way there. However the Accused refused and began trembling. ASP Wong then went into the bushes that the Accused had pointed to. Some distance inside he found a decomposed corpse beneath some large leaves. This was eventually identified as the body of the deceased.

## **Pathologist's evidence**

8 On the night of 17 April 2009, the forensic pathologist, Dr Gilbert Lau ("Dr Lau"), examined the

body at the location it was found. The following day, 18 April 2009, he conducted an autopsy. Dr Lau found that the body was heavily decomposed with heavy maggot infestation, as would be expected from a body left in the woods for six days. The head, neck, chest wall and upper limbs were largely skeletonised, *ie* the flesh had been eaten away exposing the bone. The other parts of the body were partially skeletonised. There was extensive loss of the abdominal wall and organs. He was unable to find any external injury due to the advanced state of decomposition. The bones were intact and Dr Lau was able to conclude that there was no fracture to any bone on the deceased. However so much of the soft tissue had been destroyed by maggots that he was unable to certify the cause of death.

### **Forensic evidence from the taxi and other exhibits**

9 Dr Tay Ming Kiong ("Dr Tay"), Senior Consultant Forensic Scientist at the Health Sciences Authority ("HSA"), examined the deceased's taxi at the multi-storey carpark where the Accused had left it, from 3.25pm to 5.45pm on 13 April 2009. Dr Tay conducted a second examination of the taxi on 22 April 2009 at the forensic chemistry and physics laboratory of the HSA. He tested and examined various exhibits taken from the taxi, and the shirt that the deceased was wearing when he died. Dr Tay found several cuts on this shirt at the level of the deceased's chest. There was some dispute on this aspect of the evidence, which will be discussed later.

10 Dr Tay found heavy blood stains on the cushion on the driver's seat and on the black rubber mat on the floor of the driver's seat. He also found many reddish brown stains in various places at the interior of the taxi which were found to be blood upon testing. Dr Tay concluded that a struggle and blood-shedding event had occurred in the cabin, causing the person at the driver's seat to be injured with serious bleeding wounds. His evidence is largely consistent with the version of events as related by the Accused.

### **Evidence of the Accused**

11 The following is the gist of the evidence of the Accused given in court as well as from the statements that he had given to the police. The Accused is aged 32 years and hails from Fujian Province in the People's Republic of China. In 2000, he married PW13, Gong Wenying ("Gong"), who hails from Hubei Province. They have a daughter, aged 8 years. The Accused first came to Singapore to work in 2005 but returned to China after one and a half years due to meagre wages. He returned to Singapore in early 2008 and worked as a carpenter. However he was unable to secure a permanent job and could only get casual work. In April 2008 he returned to China and came back to Singapore with his wife, Gong, with a view to her working here as well. In Singapore the couple lived separately. Gong worked in a factory on permanent night shift while the Accused took up any manual job he could find. They met once or twice a month. It was certainly a hard life for them.

12 The Accused's mother in China contracted stomach cancer in April 2008. As she needed money for medical treatment, the Accused was facing considerable financial pressure as he was unable to secure regular work in Singapore. He had tried to earn some money by procuring workers from China for labour agents in Singapore. He got in touch with one PW17 Chen Yonghua ("Chen"), a primary schoolmate from Fujian. Chen, who had come to Singapore at age of 19 years and secured permanent residence in 1995, was working for Goodlink Employment Agency ("Goodlink"), a labour recruitment agency specialising in workers from China. The Accused got his mother to go to villages around her home to recruit people who were seeking to work in Singapore and who could pay the agency fee of some \$7,000. The Accused's mother in due course sent to him the particulars of several applicants which he passed to Chen. One of them, Yang Lifang ("Yang") was selected and Goodlink arranged for her to work in Singapore. The Accused received \$1,000 from Goodlink as commission for this transaction. However Yang was sacked after a month and she demanded a refund of the agency fee

that she had paid. Goodlink refused to refund and in due course, Yang's family in Fujian began harassing the Accused's family. This added to the Accused's financial woes.

13 By April 2009 the Accused had no work. His last employer, who had sponsored his work permit, told him that he had to leave Singapore by 15 April 2009. The Accused did not even have money for his plane ticket home. He called his mother who asked him to borrow the money from his younger sister who was working in Singapore at the time. But she too was unable to lend him any money. The Accused asked his wife for the money but she refused to give him any. It was under these circumstances that the events unfolded. At around 7.00pm on Friday 10 April 2009 (Good Friday), as the Accused was leaving his quarters, he met his roommate, PW12 Chen Yongquan ("Yongquan"). Yongquan asked where he was going and the Accused joked that he was going to commit robbery. The Accused got on his bicycle and rode to Yishun MRT station. He did not have anything in mind to do, he just wanted to "hang around" there. In the event, his bicycle got stolen from where he had parked it and he had to take a bus home. There he met Yongquan again who asked in jest if he had managed to steal anything. The Accused replied that he did not steal anything but his bicycle got stolen instead. After chatting a while with Yongquan, the Accused went to bed. But he was unable to sleep as he felt very frustrated. He had worked in Singapore for such a long time and was unable to save any money. It was then that he decided to commit robbery to get the money for his airfare. He set his alarm for 4.00am and went to sleep.

14 The Accused woke up to the alarm and after his ablutions, he packed a fruit knife and some cotton gloves in his haversack and left on his mission. He had no particular plan in mind, but he thought taxi drivers would be good targets. He walked to Sun Plaza at Sembawang Drive. He saw many taxis in the queue but became nervous and did not do anything for about 20 minutes. He thought of abandoning his quest and going home. As he walked along the road towards the bus stop, many taxis passed him. But he did not hail any as he was too nervous. Then a taxi passed him, stopped, and in a tragic turn of events, reversed towards him. It was the deceased and he asked the Accused where he wanted to go. The Accused was nervous and did not answer. The deceased asked again and at that moment, the Accused decided to proceed with his robbery plan. He got into the rear of the taxi and asked the deceased to go to "Bao Ping Chun" which is the Chinese name for the vicinity of Sembawang Park. They travelled in silence until they were nearing the destination. The Accused gave directions to the deceased to proceed to Jalan Selimang, a road which ends at a park by the sea. The Accused had put on a pair of cotton gloves and taken out his knife when the taxi came to a halt at the end of Jalan Selimang. The road was deserted at that hour. The Accused had positioned himself behind the deceased. He held the knife in his left hand and, with his right hand holding the back rest of the driver's seat to keep himself in position, he brought the knife over the chest of the deceased, pressing his left hand on the deceased's left shoulder. He ordered the deceased to turn off the engine. However the deceased did not comply at first and the Accused had to repeat it two or three times before the latter complied. The Accused then told the deceased to hand over his money. The deceased said in Chinese "*hao, hao*", which meant "yes, yes", and asked the Accused to release the grip of his left hand on him. As the Accused loosened his grip, he lost his balance. The deceased immediately gripped the Accused's left hand which was holding the knife.

15 The next part of the Accused's narrative is important. He did not give a consistent version in his statements and his evidence in court. In the statement he gave to the police on 26 April 2009 (Exhibit P313), the Accused described this struggle in the following manner at para 63:

I was scared and I moved my right hand over the right side of his head rest and covered his facial region. I do not know which part of his face I covered, at the same time I pulled the pointed end of the knife in an inward motion towards him a few times and he suddenly stopped moving.

In his statement given on 27 April 2009 (Exhibit P313), to a question by ASP Wong, he gave the following description:

I had my right hand over his facial region and pulling the knife towards him, the knife went forward and backward as result of my pulling and his pushing. After a few motions of back and forth, he stopped moving and was leaned slanted.

At a later part of the statement (Exhibit P322), the Accused said as follows (at para 69):

I wish to make the following amendments to my statement ... In paragraph 63, during my struggle with the [deceased] in the taxi, when he was pushing my hand which was holding the knife away, and I was pulling it inwards towards him, I am now not sure if the pointed end of the knife was pointed towards him. I only think it was pointed towards the [deceased].

16 In examination-in-chief, the Accused clarified that the version in para 63 of his 26 April 2009 statement was not accurate. He claimed that he was responding to suggestions by ASP Wong. He had said that he could not recall how many times the pushing and pulling between him and the deceased had taken place. He had merely said that it was more than once. He reiterated that he was not sure where the knife was pointing during the struggle. In cross-examination, the Accused said that all of a sudden, the deceased grabbed his left hand which was holding the knife. He was not sure whether the deceased used one or both hands. The Accused was afraid the deceased would snatch the knife from him and so he held on to it. The pushing and pulling commenced. He said that his right hand was either holding on to the head rest of the driver's seat or holding the deceased's head; he was not sure which. The Accused said that the struggle lasted one to two minutes. The Accused was not sure where the tip of the blade was pointing during this struggle. It stopped only when he felt the deceased release his grip on his left hand. That was the moment the deceased stopped moving entirely.

17 In the course of the trial, the prosecution arranged for a similar taxi to be brought to the court premises for the Accused to demonstrate, in a similar setting, what happened. The purpose of doing this in a similar taxi was to enable the court to assess the range of movement possible in the confined space of the cabin of the taxi. The demonstration was essentially as the Accused had described it in his evidence. The notable points from the demonstration are as follows. The Accused held the knife with his left hand, the blade emerging between the little finger and palm. He placed his left fist over the deceased's chest with the blade resting flat and pointing to the left to demonstrate the position of the knife immediately prior to the struggle. It was noted that there was sufficient space in the cabin for the knife to be pointed at the deceased's chest, although the Accused said it was not so pointed at that time.

18 The Accused said that after the deceased stopped moving, he got out of the taxi. He opened the driver's door and saw that there was blood all over the deceased's body. He pushed the deceased on the shoulder but the deceased did not respond. The Accused became very frightened. He pulled the deceased's arm and shook him vigorously but still there was no response. Then the deceased fell sideways out of the taxi. This was what the Accused said during examination-in-chief, as translated into English by the interpreter (Notes of Evidence, 17 March 2011 p10):

I thought I was done for it [sic]. I thought of calling the ambulance. And he was not moving and if I were to call the ambulance, I was afraid that I would go to jail and I don't want that to happen. I think I could hear some voices coming from the Malay mosque. I then later carried him and went into the woods.

19 During cross-examination, to the question whether he thought of seeking medical help for the deceased, the Accused said, "At that time I thought he was already dead". He further said that he did not go to the nearby mosque to seek help for the deceased because he was very frightened and thought that the deceased was already dead. The Accused decided to hide the body. He slung it over his right shoulder and walked towards the woods. After what seemed like a long time, the Accused put down the body. He checked the deceased's pockets for money and found some ten dollars notes in his left breast pocket. The Accused took the money and left. As his face was covered with blood, the Accused went to the nearby beach and washed himself. He then returned to the taxi to retrieve his haversack. He decided to drive the taxi away so that it would not be spotted. He went in the direction of Canberra Road and ended at the carpark where the taxi was eventually found. After parking the taxi at one of the higher levels, he took a bottle of water he had packed in his haversack to wash away the blood in the taxi with his hands, which were still clad with the cotton gloves. He did this while seated on the driver's seat. However he only managed to clean part of the front cabin before the water ran out. He then checked the cabin for money, but he could only find some two dollar and five dollar notes, which he took. He also took the deceased's mobile phone. He noticed the credit card machine beside the handbrake and the thought occurred to him that the taxi could be equipped with a GPS device which would enable it to be located. He got out of the taxi and opened the bonnet to look for it. But he could not find any GPS device. He decided to cut the cables connecting the credit card machine. He then took his haversack and got out of the taxi. As he closed the door, he noticed that there was blood on the handle. He used his gloved hand to wipe the handle clean. He then left the carpark, went to the main road and caught a bus home. He took a shower and changed into clean clothes. He put his soiled clothing into his haversack. He also retrieved another knife, larger than the one he used in the robbery, from beneath his bed and put it in his haversack. His intention was to dispose of his haversack with these items in it. He caught a bus headed for Geylang where he was going to throw away the haversack. However along the way, water began dripping from the haversack and he was afraid that somebody would question him about it. So he alighted the bus which at this time was near Nee Soon Road. The Accused looked for a place to dump the haversack. He saw a canal and threw the haversack into it. However it did not sink. He tried to weigh it down with some stones but that did not work. He then hid the haversack in the forested area nearby.

20 The Accused then got onto a bus. During the journey, the deceased's mobile phone rang. The Accused did not answer the call. Somewhere along Beach Road, the Accused alighted to buy a drink. It was at that location that the Accused spoke with Chan. The Accused's version of this and subsequent conversations did not exactly match Chan's version. However the Accused was less certain of the details of those events, which is understandable. They are consistent in the principal areas, such as the claim that the deceased was the captive of the Accused and the demand for \$150,000. One difference was that the Accused denied that he told Chan that the deceased was going to die. However the Accused said that when he spoke to Chan the following day, he told her that if she did not give him the money, he would not give food to the deceased and reminded her that the deceased had not eaten for two days.

21 The Accused said that on Sunday 12 April 2009, he telephoned his father in China and told him to open a bank account on the pretext that he would remit the agency fee from Chen into that account. He also told his father to use another person's identity to open the account, and in the event, his father used his uncle's name. He sent the account details to Chan by SMS.

22 Meanwhile, the Accused was preparing to flee Singapore. He borrowed \$300 from PW19, Wang Shaoming, and went to the airport to purchase an air ticket to go home. However he found the prices of tickets there prohibitively expensive. He went to People's Park Complex and managed to secure an air ticket from a travel agent there on a flight departing two days later, on Tuesday, 14 April 2009.

But when he returned to the travel agent's office on 13 April 2009, he was arrested by the police.

## **Causation**

23 The first finding I need to make is the cause of death. Defence counsel submitted that death by natural causes cannot be ruled out. In my view, whether the deceased could have died from some cause other than the stab injury must be considered in the context of the entirety of the evidence, bearing in mind that the onus remains all the time on the prosecution to prove its case beyond reasonable doubt. Dr Lau had sent the deceased's bone marrow, skeletal muscle and scalp hair for toxicological analysis and this had yielded negative results. In addition, no definitive genetic marker which predisposed the deceased to sudden cardiac death was found, although this might be limited by the decomposed state of the bone marrow and heart tissue sent for analysis. The police had checked with polyclinics and public hospitals on the medical history of the deceased and did not find any record that he had a medical condition that could have caused or contributed to his sudden death. The deceased was 58 years old when he died. Evidence of his physical build could be obtained from the Accused's description to Chan that he was of "skinny" build, which, along with his description of the shirt he was wearing, persuaded Chan that the Accused indeed had the deceased hostage.

24 I turn to consider the events as disclosed by the evidence. The Accused himself had said that the deceased suddenly went limp in the course of the struggle with the knife. Dr Tay had found much blood in the taxi. Therefore the outcome of the struggle over the knife, which involved some "pushing and pulling", was that the deceased was stabbed with the knife and this had caused him to bleed heavily. The Accused said that the struggle lasted one or two minutes. As time usually seems longer to a person in such a situation, it is not likely that the struggle would have taken more than the two minutes estimated by the Accused. The deceased had collapsed after this short struggle. The Accused said that he immediately got out and opened the driver's door to check on the deceased. He saw that the deceased's shirt was soaked in blood. Therefore the stab wound or wounds had resulted in very heavy bleeding. The Accused shook the deceased vigorously but there was no response and the Accused himself concluded that the deceased was dead. In the circumstances outlined in this and the preceding paragraph, I am satisfied that it was the heavy bleeding from the stab wounds that caused the deceased to lose consciousness and not some other medical condition of his. I find that the cause of death was loss of blood from one or more stab wounds on the chest of the deceased inflicted by the Accused.

## **Intention**

25 Defence counsel pointed out that Dr Lau had only noted a single cut at the chest pocket of the shirt worn by the deceased. However Dr Tay had, on closer examination, found four other cuts. The defence submitted that the other four cuts could have been made after Dr Lau had examined the shirt. The prosecution submitted that Dr Lau had only made a cursory examination of the shirt whereas Dr Tay had conducted a more thorough examination which could pick out the smaller cuts. Also the shirt was heavily soiled when Dr Lau examined it whereas Dr Tay had looked at it after it had been dried. In view of my finding in [\[30\]](#) below, this aspect of the evidence does not make a difference to my conclusion and therefore it is not necessary to make a specific finding on this issue.

26 The Accused said that he did not start out with a plan to kill anyone. He had only wanted to find a taxi driver whom he could rob. I do not doubt this part of his evidence. But an intention to kill, or to commit the acts that constitute murder, may be formed at the spur of the moment and in my view evidence of such intention is found from the events that unfolded.

27 The evidence of the Accused was that he had held a sharp pointed knife with a 12cm blade in



his left hand and placed it on the deceased's chest. He ordered the deceased to turn off the engine. Then the deceased gripped the Accused's knife hand and a struggle ensued. In his statement of 26 April 2009 (Exhibit P313), the Accused said that he "pulled the pointed end of the knife in an inward motion towards [the deceased] a few times and he suddenly stopped moving". This is reinforced by another statement made on 27 April 2009 (Exhibit P313) in which he said "I had my right hand over his facial region and pulling the knife towards him, the knife went forward and backward as result of my pulling and his pushing. After a few motions of back and forth, he stopped moving and was leaned slanted". However this was qualified in a later part of this statement (Exhibit P322) where he said he was "not sure" if the tip of the knife was pointing at the deceased, he said that he thought it was pointed in that manner. When he gave evidence in the witness box the Accused affirmed that he was unable to recall where the tip of the knife was pointing during the struggle.

28 But the fact remains that the deceased was stabbed and had bled heavily as a result. The evidence for this came not only from the presence of extensive blood stains in the taxi but, importantly, from the Accused himself when he described the deceased's shirt as being heavily stained with blood immediately after the deceased went limp. A stab wound of such severity could not have been inflicted without the knife being pointed at the deceased with a firm hand. Furthermore, the Accused was a stronger and younger man than the deceased and, with the element of surprise on his side, was in a position to overwhelm the deceased physically. What is most telling is the nature of the struggle. The Accused said the deceased was pushing his hand away while the Accused himself was "pulling it towards" the deceased. This act of pulling the knife towards the deceased (who was seated in front and a little to the right of the Accused) showed that the Accused was trying to bring the knife towards the body of the deceased. The Accused was holding the knife in his left hand and he said that the deceased had gripped that hand and was pushing it away from his body. This is the natural reaction of a person trying to avoid harm from a knife that he felt was a threat. That much was confirmed by the Accused when he said the deceased was pushing his hand away. On the Accused's part, were he trying to ensure that the deceased did not take the knife away from him as he had claimed in his oral evidence, it would have been natural for him to draw back his hand, taking it further from the deceased rather than pulling it towards the deceased. Therefore, from the Accused's own version of events, it shows that he was trying to bring the knife into contact with the deceased.

29 In all except one aspect of his evidence, I find the Accused to be a truthful witness. He was cooperative in the witness box and his narrative was clear and unequivocal. It had the ring of truth. However when he came to describing the struggle with the deceased, he manifested discomfort and his narrative or answers became hesitant. He claimed that he could not remember how he pointed the knife. Then when he got past that stage of events and went on to describe how he got out of the taxi to open the driver's door to check on the deceased, his narrative became clear and unequivocal again. This is consistent with his trying to minimise his culpability when it came to the struggle with the deceased. This dichotomy is also seen in the statements that he gave to the police; at first he said the tip of the knife was pointed towards the deceased, and later he clarified that he could not recall if it was.

30 I find that in pulling that knife towards the deceased against the resistance exerted by him, with the tip pointing at his chest and inflicting a stab wound (or several stab wounds) of such depth that it resulted in heavy bleeding and loss of consciousness within such a short time, the Accused could only have done it with the intention to inflict that injury. Whether it was a single stab or multiple stabs does not materially affect the outcome. In the event, the Accused succeeded in inflicting the injury and the stab wound (or wounds) was deep enough to cause heavy bleeding on the part of the deceased which resulted in his death within minutes. This finding falls within limb (c) of s 300 of the Penal Code (Cap 224, 2008 Rev Ed): it was done with the intention of causing bodily

injury to the deceased and that injury was sufficient in the ordinary course of nature to cause death.

### **Is there reasonable doubt?**

31 In order to convict the Accused of murder, I have to be satisfied that the prosecution has proved its case beyond reasonable doubt. I turn to consider whether there is anything in the evidence or circumstances of this case that may cast a reasonable doubt as to the guilt of the Accused.

32 The only significant factor pertains to the Accused's actions immediately after the deceased lost consciousness. I accept that such actions, taking place after the fact, could be done out of self-preservation. However the Accused did not say that he was stunned by what had happened as it had been an accident and he did not expect such a tragedy to occur. Neither did he say that he was overcome with remorse and, for a while, did not know what to do. His own evidence was that when the deceased went limp, he got out of the taxi, opened the driver's door and, after shaking the deceased, concluded that he was dead. He went about hiding the body without delay as he thought he heard voices in the distance. He then went to the sea to clean his body and clothing of blood and drove the taxi to another location. He cleaned some of the blood stains inside and outside the taxi, removed money and deceased's mobile phone and even disabled what he thought was a GPS device that could locate the taxi. When Chan called, he had the presence of mind to exploit the situation and try to extort more money from her. Not only did he not manifest any remorse for killing her husband, he had tried to exploit the situation that Chan was in to extract money from her. He thought nothing of prolonging her agony by making her believe that his life was in grave peril and that she could save him only by paying a large sum of money. Such actions took place after the killing and do not necessarily constitute evidence of intention at the time the acts causing death took place. Indeed I did not take them into account in deciding on his guilt. The inquiry at hand is to see if there is reasonable doubt as to his guilt from the events after the act. My conclusion is that there is none; the Accused's actions after the deceased had died are not inconsistent with the evidence that prove his guilt and they do not constitute any cause for reasonable doubt. I also find no other basis for reasonable doubt.

### **Conclusion**

33 There is therefore no doubt in my mind that the Accused had caused the stab wound to the chest of the deceased with the intention to cause that injury which was sufficient in the ordinary course of nature to cause death. Accordingly, I find the accused guilty of the murder of Yuen Swee Hong on the morning of 11 April 2009 at Jalan Selimang. I therefore impose the mandatory sentence of capital punishment.