

Judgment 4 of 1978

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

NO 38 of 1977

ON APPEAL

FROM THE COURT OF CRIMINAL APPEAL IN THE

REPUBLIC OF SINGAPORE

B E T W E E N :

4/78

TEO HOOK SENG

Appellant

and

THE PUBLIC PROSECUTOR

Respondent

RECORD OF PROCEEDINGS

Coward Chance,

Royex House,

Aldermanbury Square,

London EC2V 7LD

Solicitors for the Appellant

Charles Russell and Co.,

Hale Court,

Lincolns Inn,

London WC2A 3UL

Solicitors for the
Respondent

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Description of Document	Date
<p>The following parts of the transcript of proceedings before the Honourable Mr. Justice F.A. Chua and the Honourable Mr. Justice D.C. D'Cotta</p> <p>Evidence of: Peter Yeo Kai Gee</p> <p style="padding-left: 40px;">Abbas bin Hayatt</p> <p style="padding-left: 40px;">Mohamed Hasbin bin Mohamed Tahir</p> <p style="padding-left: 40px;">Tah Ah Mio</p> <p style="padding-left: 40px;">Part of evidence of Lawrence Doray</p> <p style="padding-left: 40px;">Part of evidence of Lee Seat Chung</p> <p style="padding-left: 40px;">Part of evidence of Teo Hook Seng</p> <p style="padding-left: 40px;">Part of evidence of Lim Han Yong</p> <p style="padding-left: 40px;">Part of evidence of Teo Hook Seng (the Accused)</p> <p style="padding-left: 40px;">Part of Examination in Chief of Walter Rintoul</p>	

EXHIBITS

Exhibit No	Description of Document	Date
P1 to P6	Photographs	
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Exhibit No	Description of Document	Date
P22	Page 136/137 of a book "Fisher and Fisher on Organic Chemistry"	
D1	Book entitled "British Pharmacopoeia 1973" (relevant page 311)	
D3	Photograph taken by Dr. Walter Rintoul	
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SINGAPORE CRIMINAL CASE NO 10/76
IN THE SUPREME COURT IN SINGAPORE

BEFORE THE HONOURABLE MR JUSTICE F A CHUA

This is the transcript marked "A" referred to in
the declaration of *Teo Hook Seng*
Public Prosecutor and
Teo Hook Seng and
sworn this *9th* day of *September* 1976
[Signature]
Assistant Registrar
Supreme Court, Singapore

HONOURABLE MR JUSTICE D C D'COTTA

PUBLIC PROSECUTOR

vs

TEO HOOK SEN

For the Republic ... Mr Loh Lin Kok
For the Accused ... Mr Thomas Chan

A Pte Secretary: Criminal Case No 10 of 1976 - Public
Prosecutor v Teo Hook Seng.

DPP : May it please you, My Lords, I appear together with
my colleague, Miss Gwendoline Koh Lay Wah for the Public
Prosecutor.

Mr Chan: I am for the Accused.

DPP : The accused is represented by Mr Thomas Chan.

Chua, J: Yes, Mr Loh?

DPP : My Lords, may I tender in an amended charge. There
is no substantive amendment, My Lord, except for the
C deletion of 2 words - morphine hydrochloride - after the
word morphine, My Lords, and the rest of the words that
are added in are for the question of tidying up the
charge.

D Mr Chan: May it please you, My Lord, may I inform the Court
that last Tuesday I approached My Learned friend for another
analysis to be carried out by a chemist who will be called

- A Mr Chan: (ctd) as a witness for the accused. Now, My Lord, the analysis was carried out on 1 Jul, but the full results of this analysis will be known only in the course of the next few days. My Lord, in order not to delay this hearing, I am not asking for an adjournment, but in the circumstances may I request that the chemist for the Prosecution be the last witness for the Prosecution, and that he be giving evidence only after the full results of the analysis are known, and I hope My Learned Friend has no objection to this.
- C Chua, J: Yes, Mr Loh?
- DPP : Yes, My Lord, I will certainly cooperate with My Learned Friend on this question. Furthermore, since My Learned Friend brought it up, before the charge is read, may I say this to regularise matters. The exhibit in this case, the 2 packets of morphine, My Lord, they are in fact Court exhibits. My Learned Friend approached me last week, My Lords, some time, I believe, on Tuesday through a letter and we spoke also. As a result, I spoke also to the Deputy Registrar, saying that we will be taking up a little of the two exhibits, even though they are Court exhibits, instead of having to apply to the Court formally which will certainly mean we have to apply for an adjournment. May I with Your Lordships' persission regularise this matter.
- E
- F Chua, J: Yes, very well, read the charge.

THE ACCUSED IS CHARGED:

A " You, Teo Hock Seng, are hereby charged that you
on or about the 9th day of January, 1976 at
about 2.45 pm at Woodlands Customs Checkpoint,
Singapore, did unlawfully traffic in a controlled
B drug specified in Class A of the First Schedule
of the Misuse of Drugs Act, 1973 to wit, 46.38
grams of morphine and have thereby committed an
offence under section 3(a) of the Misuse of Drugs
Act, 1973 punishable under section 29 of the
aforesaid Act, 1973 (No 5 of 1973). "

C Pte Secretary: What say you to the charge, do you
plead guilty or claim trial?

Interpreter: Accused claims trial.

Mr Chan: My Lord, may I just interrupt for the Defence

D Chemist to be released at this stage, subject to
recall, so that he can carry out the analysis as quickly
as possible.

DPP : May I know when we can have the report from the
Defence Chemist.

Mr Chan: He is in Court, Dr Walter Rintoul, he can clarify.

E Chua, J: How long will it take to give us the report?

Mr Chan: My Lord, I think it may be ready by Thursday or
Friday.

DPP : My Lord, then it would be impossible for this trial
to go on. I won't take more than 3 days to close my case.

F Mr Chan: May I suggest that the doctor try to carry out
the analysis as quickly as possible because I understand
there are certain complications in an analysis, so in
all fairness, on the one hand, we get it ready as quickly
as possible, most probably by Thursday or Friday.

F DPP : I think tomorrow will be possible. My Chemist is here.

A DPP : (ctd) He is willing to cooperate. If there is anything that My Learned Friend requires, my Chemist comes from the Dept of Scientific Services, he will provide it. He was in fact given the exhibits of morphine on 1 Jul, which is Last Thursday, My Lord, and today is Monday, and we have had 4 days.

Chua, J: When was the application made?

Mr Chan: I informed My Learned Friend on 29 Jun, that was last Tuesday, and immediately I made arrangements for the analysis to take place, and in fact did take place on 1 Jul, but other than that--

C Chua, J: He says he will not get his report ready till Friday?

Dr Rintoul: My Lord, I will do the analysis as quickly as possible.

Chua, J: Is it not possible to have it before Friday?

Dr Rintoul: I shall try my utmost.

D Chua, J: If we can have it by Wednesday, then we can proceed. Try and get it ready by Wednesday.

Dr Rintoul: I shall do it as quickly as possible.

Chua, J: Otherwise we will have to adjourn this case.

E DFP : Yes, My Lord. As I said, my chemist is prepared to cooperate. If it is a question of supply of certain ingredients, we will supply it to My Learned Friend and I don't think it will take that long.

Mr Chan: I would assure Your Lordships that we would avoid any adjournment.

F Chua, J: I think we had better proceed with this trial, fixed for 5 days and we should try and get the report as soon as possible. Can the chemist try and get it ready by Wednesday?

L5
5.7.76

Verbatim
Notes

5

A Dr intoul: I shall do my utmost.
Chua, J: He is released then.
Mr Chan: Yes, can he be released?
DPP : Together with my chemist, My Lords.
Chua, J: Yes.

(DPP opens and calls evidence).

A Chua, J.: Well, in any case they will available. Do you want to interview any of these witnesses Mr. Chan?

Mr. Chan: With your Lordship's permission I may want to interview one, especially the one sitting
B next to the accused. He is Mr. Tay Puay Chuan.

D.P.P.: Yes, he has indicated Tay Puay Chuan for the defence.

Chua, J.: Yes, ask the witnesses to stay behind.

D.P.P.: My Lord, I would appreciate if my learned
C friend could indicate to us if he wants to call them.

My Lords, may I start with my next witness Lawrence Doray tomorrow morning?

Mr. Chan: My Lord, may I inform your Lordship as far as
D I can see the evidence of this witness Mr. Lawrence Doray will be very long, especially the cross-examination and also-----

Chua, J.: You want to interview these people?

Mr. Chan: Yes, can I have a short adjournment?

E Chua, J.: Well, we will resume hearing tomorrow.

Mr. Chan: In that case that will be much better.

D.P.P.: As your Lordship pleases.

Chua, J.: Well, we will adjourn till tomorrow morning
F at 10.30. In the meantime you can interview the witnesses and decide whether you want to call them or not and let Mr. Loh know.

(Court adjourns @ 3.25 p.m. on 5.7.76.)

(Court resumes at 10.30 a.m., 6.7.1976.)

- A D.P.P.: May it please you, my Lords, my next witness is Lawrence Doray, No.8 on my list and he is P.W.5 in this Court. He is at page 13 of the depositions.

LAWRENCE DORAY (Sworn in English)

(Examination-in-chief by D.P.P.)

- B Q. You are Lawrence Doray, an acting Superintendent of the Customs and Excise Department?
- A. That is correct, my Lord.
- Q. You are now attached to the Excise Division?
- A. That is correct, my Lord.
- C Q. Now before your posting to the Excise Division, where were you attached to?
- A. I was attached to the Woodlands Customs checkpoint.
- Q. How long were you there?
- A. I was attached there for one-and-a-half years.
- D Q. How long have you been in the Customs Department?
- A. I have been in the Customs Department for 19 years.
- Q. Out of these 19 years, how long have you been in the Preventive Divisions?
- A. About 15 years, my Lord.
- E Q. Now on the 19th of January this year in the afternoon, you were the section leader?
- A. That is correct, my Lord.
- Q. Two of your officers were on duty that day---

LAWRENCE DORAY

(CROSS-EXAMINATION BY MR CHAN) (ctd)

A Chua, J: And you took the parcel with you, I take it?

A That's right, My Lord.

Q So are you saying that the parcel was all the time on the table when you were in your superior's office?

A That is correct.

B Q Mr Doray, are you aware that-(My Lord, I hope this question is permissible) are you aware that morphine should be kept in a closed container in order to have a correct analysis? (Your Honour, this question is really relevant). Are you aware morphine should be kept in a closed container in order to have a subsequent accurate analysis?

A I am not aware of this, My Lord.

Q Mr Doray, when you went to the CID on the same morning, that was about 5.35 am?

A 4.40 am, My Lord.

D Chua, J: You went to the CID at 4.40?

A Yes, My Lord.

Chua, J: You finished investigation at 3 am?

A And I was at CID at 4 am in the morning.

Q You are quite sure that you went to CID roughly about 4 am?

E A That's right, My Lord.

Chua, J: You are quite sure of the time?

Mr Chan: He was at CID.

Q So at this time you were keeping the parcel also with you?

Chua, J: What is that?

F Mr Chan: At this time he was keeping the parcel with him.

(TRIAL WITHIN A TRIAL)

LAWRENCE DORAY

(CROSS-EXAMINATION BY MR CHAN) (ctd)

A Q (ctd) don't you think it is quite a rush?

A I don't think it was a rush.

Chua, J: It was not rushed?

A It was not rushed, My Lord.

Chua, J: My Lord, if I may just clarify, I am not too sure. Shall I carry on and refer him to all the points of the cautioned statement now or wait till--

Chua, J: No, you carry on all the cross-examination you want of this witness.

Mr Chan: I take it later on I can call--

C Chua, J: Of course, you can call.

Mr Chan: -- I can examine the Interpreter and also call the accused in relation to the cautioned statement.

Chua, J: Yes, after this man has been cross-examined and re-examined, then the Interpreter will be called.

Mr Chan: Much obliged.

Chua, J: And then you can make your submission and you can call the accused and make your submission.

E Mr Chan: Much obliged.

Q You say you read out the charge to the accused and Mr Lee, the Interpreter, interpreted in Hokien to the accused about the charge?

A That's right, My Lord.

TRIAL WITHIN A TRIAL

LAWRENCE DORAY

(Cross-examination by Mr. Chan) (contd.)

A D.P.P.: I am afraid my learned friend is going to
the statement itself?

Mr. Chan: Yes, my Lord, in that case I withdraw.

B Chua, J.: What I am interested in, Mr. Chan, is,
you did not ask him: when you read the
charge did you use the word trafficking?

A. Yes, my Lord, in the charge.

Q. There is no explanation as to the meaning
of the word there?

C A. In the charge I used the word trafficking
and the interpreter gave me the reply---

Q. You don't know what he says?

A. I don't know what he said.

Q. But you never explained the word trafficking?

Mr. Chan: To the interpreter.

D Witness: I didn't explain, my Lord, but the inter-
preter did.

Q. Did I hear you say you did not, you did not explain to
him?

A. (Witness nods.)

E Chua, J.: You just used the word trafficking, that's
all?

A. Yes, my Lord.

Q. You just read the charge?

A. Yes, my Lord.

(TRIAL WITHIN A TRIAL)

LEE SEAT CHUNG

(CROSS-EXAMINATION BY MR CHAN) (ctd)

A A And then I interpreted in Hokien dialect. I read the charge sentence by sentence to the accused in Hokien dialect.

Mr Chan: My Lord, if I may just refer to P7.

Q Can you kindly look at P7.

Chua, J: Does P7 appear --

DPP: Page 18.

Mr Chan: And also on page 18 of the deposition.

DPP: It is typewritten, My Lord, page 18.

Q Can you look at P7. Can you remember how did Mr Lawrence Doray read the charge out to you, page by page, sentence by sentence. I don't know what you mean sentence by sentence. Can you look at P7 and tell the Court how he read out sentence by sentence?

A Lawrence Doray read the charge according to this charge sheet sentence by sentence, part of the charge, he read part of the charge and then I interpreted it.

Q Now, you say part of the charge. Is it meaning the same thing as sentence by sentence.

DPP: It is only one sentence.

A He did not complete the whole charge. Lawrence Doray broke into 2 or 3 stages. I then interpreted to the accused stage by stage.

Q Mr Lee, can you look at P7 again? If, as you say, Mr Lawrence Doray broke it in 2 or 3 parts, as you put it just now, can you look at it carefully? It is a very, very long sentence,

(TRIAL WITHIN A TRIAL)

LEE SEAT CHUNG

(CROSS-EXAMINATION BY MR CHAN) (ctd)

A Q Do you agree with the Court Interpreter, he said your interpretation is not correct?

A "Yam soon" is--

Chua, J: Just tell us, do you agree with the Court Interpreter that the term in Hokien for hydrochloride used by you is not correct?

Q The word is not correct, do you agree?

Mr Chan: My Lord, I think he is not sure.

A I am not very sure, but I think "yam soon" and "lek huay lak" is the same thing because "lek huay lak" is a chemical term, "yam soon" is an ordinary speaking, common word.

Chua, J: You are not sure whether it is correct, is that what you are saying?

A I am not very sure whether it is correct.

Q Mr Lee, I put it to you that the correct interpretation was the one given by the Court Interpreter here, which is "yam soon" is the correct interpretation; I put it to you.

A Then I have translated this word wrongly in this case.

Chua, J: Louder.

A I think I have interpreted it wrongly in this case, this word hydrochloride.

Mr Chan: My Lord, I have no further questions.

DPP : Just on a question of interpretation. My Learned Friend has missed out one word which is most important; How did you interpret the word "traffic?"

Chua, J: Mr Chan may not want to ask him.

(TRIAL WITHIN A TRIAL)

LEE SEAT CHUNG

(CROSS-EXAMINATION BY MR CHAN) (ctd)

- A Mr Chan: I quite appreciate. In fact the word
"trafficking" is very important.
Chua, J: But you have not asked him.
Mr Chan: I am sorry I left it out. Can I ask him?
Chua, J: Yes.
- B Q I am sure you will give the right answer because it is
more popular. How do you translate this?
A "huan boey," boey boey.
DPP : Translated correctly.
Mr Chan: This is a very common term.
- C Chua, J: You agree this is correct?
Court Interpreter: Yes, I agree.
Mr Chan: With Your Lordships' permission, I left out 2
questions. I left out 2 questions, to be fair to
the accused. I apologise for this.
- D Q Mr Lee, you say you are an interpreter attached to the
Woodlands checkpoint?
A Yes.
Q So as such you have to take instructions from Mr Lawrence
Doray occasionally?
- E A No, I don't take instructions from him as I don't work under
Lawrence Doray. I am a civilian staff, I work under the
supervision of the Supt of Customs and Sr Supt of Customs.
Q Mr Lee, is it not true that Mr Lawrence Doray could give
you instructions since you are attached to the same department?
F He could give you instructions if he wants to.
A He has no right to give me any instructions.

LEE SEAT CHUNG (TRIAL WITHIN A TRIAL)

(Cross-examination by Mr. Chan)(cont'd.)

Q. You are not sure?

Chua, J.: Pardon? I cannot hear you.

A. I cannot remember exactly.

D.P.P.: No re-examination, my Lords.

Chua, J.: All right, we will adjourn now.

You can stand down. We will resume tomorrow
at 10.30.

D.P.P.: Yes, my Lord.

Philip @ 10.30 a.m.
7.7.76

(Court Resumes)

Verbatim
Notes.

(TRIAL WITHIN A TRIAL)

A Chua, J.: Yes.

B D.P.F.: My Lords, before your Lordships hear the accused I wish my learned friend will indicate to the witnesses whether they are required. My Lords, two of them live far away in Johore and one of them has to ply his taxi and they have been left wandering for the whole of yesterday and they are here today still.

C Mr. Chan: Actually I tried to make it as convenient as possible. Besides there is one witness I may require. The other two I have already told them I require. At the moment one witness is waiting outside and I won't make a decision until after the trial within a trial. Anyway I will let them know today.

D Chua, J.: Well, in any case you make up your mind after lunch.

Mr. Chan: Yes, I will do that, much obliged.

Chua, J.: You have got no other witnesses except-----

E D.P.F.: Yes, that is all for the trial within a trial.

Chua, J.: You want to call the accused?

Mr. Chan: Yes, I will call the accused in connection with the cautioned statement.

TEO HOOK SENG (ACCUSED) (AFFIRMED IN HOKKIEN)

F (Examination-in-chief by Mr. Chan).

Q. Your name is Teo Hook Seng?

A. Yes, my Lord.

TRIAL WITHIN A TRIAL

TEO HOOK SENG (Accused)

(Cross-examination by D.P.P.) (contd.)

A Chua, J.: His story is that he was asked to, he was told by P.W.6, "You can say anything you like". That is his story, not that he was supposed to say what he said. So you are asking him: were you supposed to say anything.

B

D.P.P.: My Lord, then I shall ask him---

Q. How did you come about to give the contents of what you said on that day? How did you form that statement in your confused mind?

C

A. I was confused, I did not think, I just said whatever that came to my mind.

Q. No, I am asking: in your confused state, how did you ever come to form that statement?

D

Chua, J.: He has I think given the answer: I did not think and I said whatever came to my mind.

D.P.P.: Right, my Lord, I think that's all in my cross-examination. I don't think I need to cross-examine any further.

E

Chua, J.: Any other witnesses you want to call?

Mr. Chan: You mean regarding the cautioned statement?

Chua, J.: Yes.

Mr. Chan: No, my Lord, I think that is the only one.

(Accused returns to the dock.)

TRIAL WITHIN A TRIAL

A Chua, J.: We find the Accused understood the charge that was read to him and we find that the statement that he made he made voluntarily. So the statement is admitted.

Ex.
P8

D.P.P.: P.8, my Lord.

B Mr. Chan: My Lord, I was thinking, I was under the impression that I was to be given the chance to make a submission in regard to this?

Chua, J.: No, I don't think it is necessary. We have made up our minds after hearing the---

C Mr. Chan: But, my Lord, if I may just use---- I did remember, I think I was---

Chua, J.: Alright, you can, if you can change our minds.

Mr. Chan: I was under the impression that we would carry on in the usual way and thereafter I can make my submission?

D

Chua, J.: Alright, we will give you a chance, you can make a submission on the admissibility.

Mr. Chan: On the cautioned statement?

Chua, J.: Right, I will hear you.

E Mr. Chan: Your Lordship has not made a ruling on this?

Chua, J.: No, No, we have made a ruling but we will allow you to make a submission and we will see whether you are able to change our views. We will hear you now.

Mr. Chan: Alright, my Lord. I must apologise for this.

TRIAL WITHIN A TRIAL

Re: Admissibility of cautioned statement.

Submission by Mr. Chan:

A My Lord, I think first of all may I just mention
there are one or two things although quite preliminary but
I have to point it out. The first is, the term "morphine
hydrochloride" is not the same as "morphine". This I am
quite sure my learned friend will not challenge because
B if you look at the chemist report it is an entirely
different thing; although they are in relation, although
these two are related in a certain way, but they are not
synonymous.

 Secondly, my Lord, the quantity of 75 grams is a
C large difference---

Chua, J.: We are interested only on the ad-
missibility of the statement.

Mr. Chan: Yes, Yes, but I think this is
relevant in the sense that I am trying
D to say that it is relating to the
question of admissibility of the
cautioned statement.

Chua, J.: Yes, Yes.

My Lord, I was saying that the 75 grams is quite,
E is entirely different from this 46.38--- I am saying the
quantity of 75 grams is quite a difference from 46.38
which now the Accused is facing, the charge he is facing.

TRIAL WITHIN A TRIAL

Re: Admissibility of cautioned statement.

Submission by Mr. Chan:(ctd.)

- A Because, I think, my Lord, we must be accurate on this
insofar as it is possible. My Lord, one pound of flesh
is one pound of flesh, no more or no less. We all know
the story of Shakespeare in "The Merchant of Venice" and
I think this may be a technical point but I have to point
B it out.

- Secondly, my Lord, it is my submission that Mr. Lee
is not a proper person in this case to be an interpreter.
I say this, my Lord, because he was, and he still is, a
clerical clerk and interpreter attached to the Woodland s
C Customs checkpoint and on this 9th of January, 1976, on
the very day in question, he was attached to Woodlands
as a clerical clerk and interpreter. To that extent, my
Lord, he can be regarded as an interested person, interested
party to the Prosecution case.

- D In support of my argument, my Lord, may I refer very
briefly, there are two cases in point. First of all, let
me refer very briefly to the Malayan case of Cheong See
Leong versus Public Prosecutor. It is reported in 1948
and 1949 M.L.J. Supplement, page 56. My Lord, if I may
E mention very briefly in order not to waste too much time,
in this case the accused was charged for an offence
under the Emergency Regulations because he did not report
to the Police station at an early opportunity about a man
called Chan Soh who had in his custody an unlicensed firearm.

TRIAL WITHIN A TRIAL

Re: Admissibility of cautioned statement.

Submission by Mr. Chan:(ctd.)

A Now, my Lord, the point relevant to our case here is that the accused made a statement to the police inspector through the interpretation of a detective sergeant.

My Lord, can I just read it very, very briefly, the facts of this case, which is mentioned in Mr. Justice Spenser
B Wilkinson's judgment. My Lord, may I refer to page 56 or to the bottom of page 56, that is the judgment given by Mr. Justice Spenser Wilkinson, may I read out very briefly:-

C "The appellant was charged under section 6(1) of the Emergency Regulations, 1948 that he knowing that one, Chan So, had under his control an unlicensed fire-arm failed to report this to the Police at the earliest possible opportunity, and he was convicted
D for 5 years for this offence. "

Can I carry on with the second paragraph:-

"The main evidence against the appellant was that of Detective Sergeant No.180——"

Chua, J.: We don't want all the facts.

E Mr. Chan: Yes, my Lord. May I refer to column 2 regarding the admissibility of the cautioned statement, page 57——

Chua, J.: To put it shortly, the facts in this case are that the cautioned statement
F was taken by the detective sergeant who was in the police party as interpreter.

TRIAL WITHIN A TRIAL

Re: Admissibility of cautioned statement.

Submission by Mr. Chan:(ctd.)

A My Lord, may I just read out very briefly the bottom paragraph of page 57; the point here, page 57, second last paragraph:-

B "The next question which is the first one raised by the learned trial judge in the extract quoted above is whether the statement of the appellant - (that was the accused, my Lord) - was made to the inspector within the meaning of the Regulation. "

C My Lord, that we are not concerned with because the court held in that case that the statement was recorded within the Regulation:-

D "The only practical way in which a person can make a statement in a language to another that the latter does not understand is either by signs or through interpretation. In the ordinary way an independent interpreter is, as the learned trial judge pointed out, uninterested in the subject matter and may be taken as only a conduit pipe - (I think you use the conduit pipe something like a water pipe through which water passes) - incapable of invention to the detriment of the accused. A statement thus made through
E a conduit pipe to a police inspector is
F admissible if it is made through an independent interpreter. "

But, my Lord, may I just take a little more time referring to page 58 which is also relevant, that is the
G second paragraph:-

H "There are numerous decided cases which have laid down the principle that judicial officers are required to be free from bias in the adjudicating of any case before them. Those cases have decided that when a judicial officer is interested in the subject matter of any case before him the presumption is that he cannot be free from bias. It may be in such a case that his adjudication has been free from all bias but this is not the test."
I

TRIAL WITHIN A TRIAL

Rd: Admissibility of cautioned statement.

Submission by Mr. Chan:(ctd.)

A My Lord, he went on to say this, when there is a likelihood:-

B "The test is whether there is likelihood of bias arising from his interest in the subject matter. If there is that likelihood then his adjudication cannot stand."

My Lord, this principle was held by this court to be applied to interpreters, I mean because if you look into the statement concerned in other words the judicial officer was interested in the case:-

C "I think that the same principles must be applied in regard to interpreters in a case such as this."

And lastly, my Lord, in the second last paragraph---

Chua, J.: No, No - no need to repeat all that.

D Mr. Chan: Yes.

E My Lord, the reason why I cite this case is because the detective sergeant was directly involved because he was in the party that went to the house to make the search and subsequently this detective sergeant was called as a prosecution witness. So he was directly involved, so he should not be an interpreter in this. I think my learned friend may object to this. However, I may point^{out} to your Lordship, Mr. Lee has been with the Customs office for 6 years, for 6 years, in the Woodlands Customs checkpoint.

TRIAL WITHIN A TRIAL

Re: Admissibility of cautioned statement.

Submission by Mr. Chan:(ctd.)

A My Lord, 6 years is not a short period, shall I say it is a very long period, and he was there as a clerical clerk as well as an interpreter.

Now, my Lord, yesterday in the course of examination he told the Court that he spent more time in clerical jobs rather than interpretation. So, my Lord, may I ask this question: is it reasonable to infer, to imply from these circumstances a man who is attached to the Customs Department for 6 years he is more likely to be interested to see that the Customs Department will succeed in prosecuting the Accused, is it reasonable to infer from this? My Lord, I say it is quite reasonable to infer, unless there is other evidence to rebut it.

My Lord, I will not spend too much time on this point, although I may mention very briefly there is another case which is also similar to this. My Lord, may I also mention another case which is even more direct—

Chua, J.: I don't think we want any other case.

Mr. Chan: My Lord, if I can just give you the citation. My Lord, this case ^{says} that an interested—

Chua, J.: Yes, this is the same as this case.

Mr. Chan: But this is later confirmed by the case, Chong Chin Hin vs. Public Prosecutor also reported in the M.L.J.

TRIAL WITHIN A TRIAL

Re: Admissibility of cautioned statement.

Submission by Mr. Chan:(ctd.)

- A Chua,J.: I see your point, Mr. Chan. The
 principle laid down in this case is
 that a person interested should not be
 an interpreter, and you said Mr. Lee
 is interested because he has been
B working inthe Customs for so many years
 and likely that he would see to it that
 the prosecution succeeded. We have
 your point, Mr. Chan.

- My Lord, if I may re-emphasise, the test laid down in
C this case is not whether in fact he maybe very, very biased -
 Mr. Lee may be very, very biased - but the test to be
 applied is that there is a likelihood, whether there is a
 likelihood of bias arising from his interest in the subject
 matter. I hope your Lordship can kindly consider whether
D there was such likelihood or not.

- My Lord, it is also my contention that in this so-
 called trial-within-a-trial yesterday your Lordship will
 remember that the evidence of P.W.5, I think in certain
 aspects, may be exaggerating. Let me elaborate on this
E "may be exaggerating". For instance, my Lord, he told me
 he was sure, he was sure, that P.W.6, that is Mr. Lee,
 did not offer any promise or make any inducement.

TRIAL WITHIN A TRIAL

Re: Admissibility of cautioned statement.

Submission by Mr. Chan:(ctd.)

A My Lord, I asked him, "How did you know, since you do
not understand Hokkien?" He said he did not understand a
bit of Hokkien; actually he told me that he could read
the expression, he could read the expression of Mr. Lec.
But, however, my Lord, he did agree with me, he did agree
B with me, it was possible that he read the expression
wrongly -- he did agree with me, my Lord.

 Secondly, my Lord, you will recall that I purposely
brought up the question of Schedule E. Although a Customs
officer may not have to comply with Schedule E, but I
C purposely bring that out merely because in his statement,
in Mr. Lawrence Doray's statement, he mentioned that when
he took the cautioned statement he has complied with
with Schedule E. I purposely brought out this statement
to see whether he was exaggerating or not. So, my Lord,
D when I asked him, "I take it you are quite familiar with
Schedule E?" and he gave me an affirmative answer. But
subsequently, my Lord, when I questioned him about the
contents of Schedule E he could not tell me; he
said "without complying with Schedule E". My Lord, I
E brought out this point to show that there may be
exaggeration of his part of the story.

TRIAL WITHIN A TRIAL

Re: Admissibility of cautioned statement.

Submission by Mr. Chan:(ctd.)

- A Now, my Lord, again I give you one more example why he was exaggerating. When I asked him whether "you agree the term of hydrochloride morphine is ^{different from} morphine" - my Lord, a man has been in the Customs Department for 19 years and for the last 6½ years he was attached to this
- B Woodlands checkpoint, Customs checkpoint and, my Lord, he also informed the Court for 15 years he was with the preventive branch - now do you think he cannot answer my question whether these two terms are different? He can, but he choose to remain silent, "because he did not know,
- C this is a chemical, this is a technical term. I don't know whether they mean the same thing".

- My Lord, bearing in mind he was the one who sent the products to the chemist for analysis, he was the one who collected back the chemist report from the
- D chemist, and with such long years of experience, and he cannot distinguish one from the other. I think he can, my Lord, but he choose to say that is a technical term, he did not know the answer.

- My Lord, the reason why I am referring to that is
- D that there may be exaggeration or otherwise of his part of the story.

(contd.)

TRAIL WITHIN A TRIAL

Submission by Mr.Chan (contd.)

A Mr.Chan: My Lord, I would like to say a few words about P.W.6 -
he is the interpreter.

Chua J.: Yes.

Mr.Chan: My Lord, I would say that I have some doubts about his
interpretation in relating to this particular case. My
B Lord, I won't spend time on his qualifications, but
your Lordship will remember that he said that when he
sat for the examination in 1962, he sat for two
dialects, one is from what he told the Court is
Mandarin and the other is in Chinese translation.

C Chua J.: What you mean is, he is not
a competent interpreter?

Mr.Chan: Yes, my Lord, I say that there are some doubts as to
his capacity, for example, he can describe the Chinese
translation and Mandarin as two dialects. This may
D be fundamentally wrong, this could be excusable for a
layman, but for an interpreter I cannot accept it,
and secondly, when I asked him as to the term for
translation from English to Hokkien, your Lordship
will remember the term of morphine hydrochloride was
E wrongly interpreted by him and my learned friend may
say this is a technical term and may be excused perhaps
but this is not so, because if you are an interpreter
for six years and especially when you are attached to
the Woodlands Customs checkpoint and you are doing the
F job of interpreting a very serious charge against the
accused, my Lord, is it not correct to say that you

TRIAL WITHIN A TRIALSubmission by Mr.Chan (contd.)

A Mr.Chan: must be very sure of the terms you are going to
(contd.) interpret in Hokkien so as to make the accused
understand?

Now, my Lord, we must not forget that P.W.6 did
tell the Court and I think it is very important, my
B Lord, because he said first P.W.5 read out the charge
in one sentence. I mean at first he said in one
sentence but later on he said in two or three parts,
and, my Lord, if I remember correctly he said after
P.W.5 read out to him in two or three parts, he tried
C to memorise it in his own memory, but later still
he took a copy of the charge to look at the charge
himself before he explained it in Hokkien to the
accused, but, my Lord, he did not admit that when he
read out to the accused, when he explained to the
D accused in Hokkien he did not look at the charge but
from what he could remember and also, my Lord, he
did not explain word for word. He told me that he
explained the meaning of the charge in Hokkien to the
accused. My Lord will recall that he agreed with me.
E Since he did not explain word for word, certain words
of the charge must have been left out when he
explained it to the accused in Hokkien and, my Lord,
I wish to say that the accused should be entitled to
a 100 per cent interpretation from the first word to
F the last word of the charge to be read out to him
in the dialect he chose. This is a very fundamental

TRIAL WITHIN A TRIALSubmission by Mr.Chan (contd.)

A Mr.Chan: right, my Lord, and I think the accused is
(contd.) entitled to such a right.

Chua J.: Yes.

Mr.Chan: My Lord, can I also mention that the whole process
took about 25 minutes, that is based on the evidence
B of P.W.5, my Lord? P.W.5 did inform the Court that
he read, the first time he read the charge to the
accused that was 5.35 p.m. - 5.35 p.m. on 9th
January 1976 - and he also informed the Court that
when he completed the whole process that was about
C 6 p.m., my Lord, so altogether was about 25 minutes,
and, my Lord, I must point out that in these 25
minutes, he spent only 5 minutes to explain the
charge to the accused. Why I say this, my Lord, is
because he started to record the cautioned statement
D at 5.40 - yes, my Lord, he started to record the
statement at 5.40 -- and so in the 5 minutes, my Lord,
we can imagine how many things happening in these
5 minutes and according to P.W.6, he had to ask
P.W.5 to read out in two or three parts and he
E memorised them and explained to the accused from
his memory and, my Lord, all this happened in 5
minutes, but it cannot be done properly, it can be
done in a rush perhaps. My Lord, I would say to
have done all these things in 5 minutes is a
F miracle - nothing short of a miracle.

Chua J.: Yes.

TRIAL WITHIN A TRIALSubmission by Mr.Chan (contd.)

A Mr.Chan: My Lord, and again after the charge was read out to
the accused, another 20 minutes were spent for the
rest - all the things to be done - I cannot help
repeating all the things that were done in this way,
translation and all that - all this had been done
B in 20 minutes - this again I think, if it could be
done properly and correctly is another miracle
perhaps unless this is done in a very rush manner.

Chua J.: Yes.

Mr.Chan: So allin all I think I have made - I humbly urge
C your Lordship to take into consideration all these
points, especially, my Lord, the interpreter
involved in this case - he may be regarded as an
interested party. I won't say he may not be free
from bias, but there is a likelihood, my Lord. I
D hope your Lordship will see that there is a
likelihood that he might, and secondly, the
accused did not have the opportunity to get the
interpretation of the charge in Hokkien to him word
for word, although may be just the meaning of the
E charge - not word for word. I would say the
cautioned statement if you look at it as a whole,
there are many doubts - whether the whole process of
recording the cautioned statement had been properly
carried out or not - and in this case, my Lord, I
F have to emphasise over and over again the thing
was done in a rush because the accused in this case -

TRIAL WITHIN A TRIALSubmission by Mr.Chan (contd.)

- A Mr.Chan: he is facing a capital offence. My Lord, if this (contd.) charge is a simple one as in minor offences cases, I am not sure 5 minutes is more than sufficient to explain the charge to the accused, but in this case the charge is a very serious one.
- B Chua J.: Yes.
- Mr.Chan: Usually we give more time to make it more sure for him to understand rather than to rush everything in 25 minutes. Lastly, may I point out about the interpretation of the charge and the statement and we must bear in mind when Mr. Lee was cross-
- C examined by me - I presumed that he was a better interpreter on the 6th of July 1976 than what he was on the 9th January 1976. I think it is a reasonable inference - he might know something now that he did not know on 9th January in relation to the interpretation of the charge and the statement to the accused. He is now a better interpreter than he was, but even then as such I asked for the translation of English to Hokkien. I am not sure he did question him from Hokkien to English and there would have been another mistake and so I hope your Lordship will kindly consider the likelihood of an interested interpreter involved in this case and the various mistakes, shall I say, not word by word translating to the accused in relation to the charge and the manner in which the cautioned
- D
- E
- F

TRIAL WITHIN A TRIALSubmission by Mr.Chan (contd.)

A Mr.Chan: statement was conducted in such a rush and I must
(contd.) say that there are doubts about whether the ...

Chua J.: Yes.

Mr.Chan: Whether the statement had been properly recorded and
I ask your Lordship not to admit this statement.

B Chua J.: We have not changed our views -
the statement is admitted.

D.P.P.: P8, my Lord, the cautioned
statement - and the charge
is P7.

Exh.P7
& P8.

Chua J.: Yes.

D.P.P.: My Lord, may I have the
investigating officer in the
stand to read the statement?

Chua J.: Yes.

D.P.P.: Lawrence Doray.

Chua J.: P.W.?

D D.P.P.: P.W.5, my Lord. P8, please -
my Lord, I believe he read out
P7 already.

Chua J.: Yes.

(Trial within a trial ends).

LAWRENCE DORAY (o.h.f.o.)

(Examination-in-chief by D.P.P.) (contd.)

A Chua J.: You are on your former oath.

Will you readit?

Q. Will you read out Exhibit P8 please, starting from the cautioned statement?

A. "Do you wish to say anything in answer to the charge?

B You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence. Yes I wish to make a statement. I admit that I have committed an offence for trafficking in about 75 grams of morphine. I wish to
C plead for leniency because this is my first offence, and also I have to support my younger brothers and sisters. That is all I have to say." -"Read over to me in Hokkien and understood."

D.P.P.: All right, that is all.

D Chua J.: Yes, Mr.Chan, do you want to cross-examine him further?

Mr.Chan: I understand the statement is already admitted?

Chua J.: Yes, I know - do you wish to
E cross-examine him?

Mr.Chan: In relation to the cautioned statement?

Chua J.: Yes.

Mr.Chan: No, I don't think so.

F Chua J.: Yes, all right, stand down - so we have only the chemist.

- A D.P.P.: Yes, my Lord, we have only the chemist right now. My Lord, I am wondering
- Chua J.: Mr.Chan, are you ready to cross-examine the chemist or not?
- B Mr.Chan: My Lord, my chemist told me that he would be able to come tomorrow afternoon, but even that - I asked him if he was absolutely sure but he said he hoped to confirm by
- C tomorrow. You will appreciate my position in the cross-examination of the chemist unless I have some material in hand.
- Chua J.: But Mr.Chan, you are taking the
- D evidence of the chemist.
- D.P.P.: Perhaps we can continue with his evidence-in-chief, but not the cross-examination?
- Chua J.: We will hear the evidence of the
- E chemist in chief and then I will adjourn the case till tomorrow and in the meantime you can go and consult your chemist and formulate questions you want to ask?
- F Mr.Chan: Yes, in all probability we can perhaps carry on.
- Chua J.: Your chemist must have read the statement by now and after all he is going to give evidence later on.

A Mr.Chan: Yes.

Chua J.: I suggest that we hear the chemist report now and you will have to cross-examine tomorrow and in the meantime you can go and see your chemist and he can assist you as to the questions you can put.

B

Mr.Chan: I think in fairness to the prosecution I don't think I can cross-examine tomorrow.

C

Chua J.: Why not - I am sure you can see your chemist?

Mr.Chan: My chemist told me that he was still under sick leave and recently he had undergone an operation and he was going to see Professor Yeoh for a checkup today and his appointment will be this afternoon, but he told me that he will most probably come tomorrow afternoon and in that case I can carry on my cross-examination on Friday afternoon.

D

E

Chua J.: You can consult him this afternoon and then you will be able to start the cross-examination tomorrow morning.

F

Mr.Chan: My Lord, in fact I can start now if he can finalise his analysis, but he told me that he can finalise it by

- A Mr.Chan: tomorrow and so once he finalises
(contd.) it, I can prepare my case.
- Chua J.: But you can make some rough notes
and the questions to put in cross-
examination?
- B Mr.Chan: I have to consult him.
- Chua J.: No, we will see what we can do -
we will hear the Government
Chemist now.
- Mr.Chan: Yes, but can we reserve the cross-
examination till ...
- C Chua J.: No, we will reserve it till tomorrow,
that is the best we can do for you.
I think you were assigned to this
case - I don't know when, but it was
only the last minute that you asked....
- D D.P.P.: He was briefed in the beginning.
- Chua J.: Right from the beginning?
- Mr.Chan: No, my Lord, at one stage, that is
correct.
- E Chua J.: You were not briefed by the accused?
- Mr.Chan: Yes, but because of this chemist ...
- Chua J.: But it is usual to challenge?
- Mr.Chan: On 25th of June I was sure that I
was assigned by the High Court -
25th of June and immediately I
approached my learned friend the
next day. I did try my best but
in my case the analysis ...
- F

A D.P.P.: In this case the chemist took up
the sample with the defence chemist
and he was able to do a further test
in a short time. I don't know why
they are taking so long.

B Chua J.: Well that is the best, Mr.Chan
may start his cross-examination
tomorrow morning.

Mr.Chan: My Lord, I will try but I am
afraid

C Chua J.: No, Mr.Chan, that is my ruling
on this matter.

Mr.Chan: My Lord, can we adjourn it till
tomorrow afternoon? I can continue
to cross-examine tomorrow afternoon
because he told me that he will be
able to

Chua J.: No, Mr.Chan, that is what I said -
you will continue your cross-
examination tomorrow morning.

E Yes, Mr.Loh?

D.P.P.: My Lord, the Chemist Lim Han Yong.

Chua J.: P.W.?

D.P.P.: My Lord, 7 in this Court, he is at
page 7 of the deposition also.

F Chua J.: Yes.

LIM HAN YONG

(Examination-in-chief by D.P.P.) (contd.)

A Chua J.: Yes.

A. This involves colour test and salt test.

Q. Yes.

A. Do you want me to go into the details of the test?

B

D.P.P.: I don't think so.

Chua J.: Well, if Mr.Chan wants to know, he can ask him.

Q. Yes, my Lord - now what else, what did you do then?

C

A. No.2 - a confirmation of identification.

Chua J.: Confirmation of ...

A. Of identification.

Q. Yes.

A. This involves paper chromatography.

D

Q. And this involves ...

A. Paper chromatography.

Q. Yes.

Mr.Chan: My Lord, may I interrupt - since this is given in examination-in-chief, can we have some sort of a brief outline of how he carried out this test - this is for the sake of justice?

E

Chua J.: What is it - you want something written by him, is it?

F

Mr.Chan: The way he carried out the test.

LIM HAN YONG

(Examination-in-chief by D.P.P.) (contd.)

- A D.P.P.: My Lord, my learned friend cannot -
he is not aware of the provisions
of the Misuse of Drugs Act - the
chemist report is prima facie of
the contents therein.
- B Chua J.: I am sure that does not exclude
cross-examination.
- D.P.P.: Yes, I don't have to cross-examine
him in great detail what he had
done, whether he had come out with
a scientific formula.
- C Chua J.: No, in cross-examination you can
ask him.
- Mr.Chan: I am thinking of the convenience of
the Court and the accused. If Mr.Lim
thinks it is proper, why not ask him
to give us.
- D Chua J.: No, it depends -you copy down the
evidence and you consult your chemist
and he will be able to advise you and
if you want further details of this,
he will tell you. You ask him and
if it is not necessary, it seems a
waste of time going through the
process.
- E
- F Mr.Chan: I was thinking that I will be
asking the Court ...

LIM HAN YONG

(Examination-in-chief by D.P.P.) (contd.)

- A Chua J.: Mr.Chan, you just copy down and then go and consult your chemist - this is what he said and your chemist can tell you what details he needs and what is to be deduced in detail,
- B otherwise it seems to be a waste of time. Yes, you can tell us briefly what it means - this paper chromatography?
- A. Paper chromatography and thin layer chromatography.
- C Q. Before you go on, the first test was identification?
A. Confirmation ...
Q. Confirmation of identification test or what?
A. Confirmation of identification.
- D Chua J.: And this involves paper chromatography - I am asking - can you tell us roughly what it is?
D.P.P.: Yes, what is paper chromatography?
A. That is

(contd.)

LIM HAN YONG

(EXAMINATION-IN-CHIEF BY DPP) (ctd)

A Q With regard to P14, lab report No 860/76, that is exhibit A2, the brownish substance, in Jan you found the powder to have a morphine content of 63.3% weight by weight. How, your last analysis, what did you find?

A I found it to contain, to have a morphine content of 63.6% weight by weight.

B

Q There has been an increase in this case, Mr Lim?

A Yes, there is a slight variation here.

DPP : Right, My Lords, I believe that is about all,
My Lords.

C Chua, J: We will adjourn then to tomorrow morning at 10.30.

(COURT ADJOURNS AT 12.55PM ON 7.7.76 TO 10.30AM
ON 8.7.76)

Philip @ 10.30 a.m.
8.7.76,

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(Court Resumes)

Verbatim
Notes.

LIM HAN YONG

(Examination-in-chief by D.P.P.)(cont'd.)

A D.P.P.: My Lords, I must apologise for this short delay, the Chemist was a bit late in coming to this Court.

Chua, J.: Yes.

B D.P.P.: Lim Han Yong, P.W. 7, my Lords. My Lords, before my learned friend proceeds to cross-examine P.W. 7, Mr. Lim Han Yong may I just clarify one small point, my Lord. My Lords, it is apparently the point on morphine base. The answer is "pure anhydrous morphine".

C My Lord, it should be really one word "anhydrous" and morphine base, my Lords. Yesterday the Chemist said "pure anhydrous morphine", we thought it is "and" then the word "hydrous". It should be "anhydrous",
D one word only. Anhydrous is dry as opposed to hydrous - hydrous is wet.

Q. Is that correct, Mr. Lim?

A. That is correct, my Lord.

Chua, J.: But yesterday he did say "and".

E D.P.P.: Perhaps it is my mistake in spelling it out to your Lordships as two words. It should be one single word. He did say "anhydrous" and I took it upon myself to spell it out.

Chua, J.: So morphine base is-----?

F D.P.P.: Pure anhydrous morphine.

TEO HOOK SEIC (Accused)

(EXAMINATION-IN-CHIEF BY MR THOMAS CHAN) (ctd)

A Chua, J: He said it?

A Yes, he said it. If duty is paid, then I will have to pay the duty first, then recover the duty from him.

Q Did he tell you how much duty?

A If it was to be found and duty was to be paid, it would be quite heavy.

B

Q What happened after this?

A So I believed him and I carried it for him.

Q When did you board the taxi from Johor, can you remember?

A It is one or slightly past 1 pm.

C Q And what happened? Anything happened on the way from Johor to Woodlands checkpoint?

A At the Customs checkpoint, there was a check.

Chua, J: So the taxi reached the Singapore Customs checkpoint?

D A That is so, the Singapore Customs checkpoint.

Chua, J: I think this would be an appropriate time to adjourn. We will resume at 10.30 tomorrow.

Mr Chan: My Lord, may I make an application for the Chemist, although the book is handed in as an

E exhibit and we can't get it back now, the Chemist would like to have it back.

Chua, J: We have the photostat copy.

Mr Chan: He promises to bring it back again.

DPP : My Lord, will he be ready tomorrow morning?

L2.5
8.7.76

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Verbatim
Notes

A Mr Chan: Yes, he will be coming tomorrow morning.

Chua, J: You have not made any application.

DPP : I don't know whether he is going to call him tomorrow,
at the rate we are going.

(COURT ADJOURNS AT 4.18PM ON 8.7.76 TO 10.30AM

ON 9.7.76)

Philip @ 10.30 a.m.
9.7.76

(Court Resumes)

Verbatim
Notes.

TEO HOOK SENG (ACCUSED)

(Examination-in-chief by Mr. Chan)(cont'd.)

A Chua, J.: He is on his former oath.

Interpreter: Yes, on his former affirmation.

Chua, J.: Yes, Mr. Chan.

Q. Mr. Teo, let's go back to the time before your arrival at the taxi stand-----

B Chua, J.: Which taxi stand you are talking of? Muar taxi stand?

Mr. Chan: I refer to the stage before he arrived at the Woodlands Checkpoint.

Q. Now, Mr. Teo you told the Court yesterday, you said one Loh Seng gave you the medicine?

C

A. Yes.

Q. Was your relation with Loh Seng---you two were colleagues working together?

A. Yes, colleagues.

D

Q. Was there any other relationship between you and the so-called Loh Seng?

A. Well, I came to know him through work.

Q. Any other relationship?

A. No other relationship.

E

Q. How long you have been knowing this Loh Seng?

A. About 3 years.

Q. Was this the first time the Loh Seng asked you to bring anything for him during the 3 years' acquaintance?

A. Yes.

WALTER RINTOUL (SWORN IN ENGLISH)

(Examination-in-chief by Mr. Chan).

A Chua, J.: Yes. Can I have your full name?

Q. Your name is Walter Rintoul?

Mr. Chan: My Lord, W-A-L-T-E-R R-I-N-T-O-U-L (spelt).

Q. Your address is No. 32, New Race Course, Singapore, is that correct?

B A. That is correct, my Lord.

Q. You are a Chemist by profession?

A. That is correct, my Lord.

Q. Now, Dr. Rintoul on the 1st of July-----

Chua, J.: What is your qualification?

C Mr. Chan: My Lord, actually I am coming to this.

Chua, J.: Yes.

Mr. Chan: Because in order to save Court's time I have that stated in the report.

Q. Now, on the 1st of July 1976 you went to the Chemistry Department?

D A. Now called the Department of Scientific Services, my Lord.

Mr. Chan: He went there.

Q. Do you remember when did you go there on this particular day?

A. I went, my Lord, with Mr. Doray approximately between 10.30 and 11 o'clock.

E Chua, J.: On the 1st of July?

Mr. Chan: 1st of July with P.W. 5.

WALTER RINTOUL

(Examination-in-chief by Mr. Chan)(cont'd.)

A (Witness reads):

B "I Walter Rintoul, with the above qualifications and
previously a Government Gazetted Officer in the
Department of Chemistry 1949-1953, formerly Chairman
of the Royal Institute of Chemistry Singapore Section,
Past President of the Singapore National Academy of
Science, Founder President of the Singapore National
Institute of Chemistry and presently and in previous
years an external examiner for the Royal Society of
C Health, London, do hereby certify that on 1st July
at about 11.00 a.m. I received from Mr. Lim Han Yong,
an officer of the Department of Scientific Services
2 samples, A1 and A2 contained in well-closed
containers and protected from light (brown bottles):

D On return to my laboratory I examined these 2 exhibits
qualitatively by TLC and Gas Chromotography. The
results of these analyses showed the presence of
morphine and codeine.

E On 2nd July my assistant Analyst and his Laboratory
Assistant were in Penang to undertake their duties in
analysing horse urines for dope.

On Sunday the 4th July 10.30 a.m. Mr. Thomas Chan
visited my house for consultation.

F On Monday afternoon 5th July my assistant Analyst and
my Laboratory Assistant returned from Penang and the
Gas Chromotograph turned on ready for use the following
day.

G On Tuesday 6th July the Gas Chromotograph was used to
do quantitative work, but to our dismay it was noticed
that the packed columns were blocked and therefore had
to be repacked and purged. This was done on the same
afternoon.

H On Wednesday 7th July TLC was repeated and the results
showed and photographs of the Thin Layer Chromotographs
were taken which I have to present here in Court, my
Lord. These results would apparently show codeine to
be present in large quantity. The word "apparent" is
used as codeine may be more sensitive to the spray
reagent than morphine." (ctd.)

WALTER RINTOUL

(Examination-in-chief by Mr. Chan)(cont'd.)

(Witness reads)(ctd.):

"The Gas Chromotograph was also tried but the columns were not purged sufficiently for quantitative analysis. Morning and afternoon of each day till yesterday evening 8th July the columns are not sufficiently purged, in spite of the fact that the instrument is allowed to run day and night. However, yesterday evening the columns showed slight improvement and quantitative results may be possible by early next week.

The initial Gas Chromotograph results would apparently show morphine to be present in greater quantity than codeine. The word "apparent" is used as time did not permit us to run codeine and morphine standards for comparison.

Finally only quantitation can arrive at the true result and this will be done as soon as the columns are completely purged.

The writer wishes to thank the Department of Scientific Services and the Customs for their courtesy and co-operation"

(cont'd.)

John @ 3.00 p.m.
9.7.76.

WALTER RINTOUL

(Examination-in-chief by Mr. Chan) (contd.)

A Chua, J.: Would have expected less codeine?

A. ---to be present - as opium itself contains, say 10% of morphine and a maximum of 2.5% codeine.

Q. Yes, do you still want to expand on this point?---

B You mean you expected less codeine but it turns out something beyond your expectation?

A. This preliminary T.L.C. experiment surprised me at the amount of the codeine present.

Q. But, Dr. Rintoul, you said this test is just more or less a qualitative test, qualitative report, but so far have you, so far have you come to any conclusion as to quantitative analysis?

C

A. No, my Lord.

Q. Could you explain to the Court why you still have not?

D

Chua, J.: Any quantitative---

Mr. Chan: ---analysis, my Lord - because he says now he did the qualitative.

A. In the original quantitative G.C., gas chromatograph, apparently morphine was more predominant than codeine.

E

Chua, J.: What, preliminary test you call it, preliminary test?

A. The gas chromatograph test: morphine would apparently be more predominant than codeine.

WALTER RINTOUL

(Examination-in-chief by Mr. Chan) (contd.)

A Q. In that case, can you tender to the Court?

Mr. Chan: My Lord, this was the chart automatically produced.

Chua, J.: Yes, D.4.

Q. Now can you look at this chart and give us an---?

B A. This time, my Lord, the column appeared to be blocking with impurities.

Chua, J.: The column---?

A. The column through which we passed---

Q. Blocking the impurities?

C A. ---by impurities, and we were unable to continue further for direct comparison of standard morphine and standard codeine.

On July the 6th, my Lord, that was Tuesday, when my staff returned, we repeated the experiment, looked at the columns---

D Q. What did you say?

A. ---looked at the columns and decided to replace them, to replace the material within. Since that day we

E have been purging these columns to rid them of any impurities so that we may reach the stage when we can determine with accuracy and precision the exact amount of morphine and codeine.

WALTER RINTOUL

(Examination-in-chief by Mr. Chan) (contd.)

A Chua, J.: And when will you be able to arrive at that stage?

A. My Lord, I hope, some time next week. It has been purging for--- since Tuesday night. At 2 o'clock this afternoon it was still not in precision.

B

Mr. Chan: My Lord, is it necessary for me to refer to the chart?

Chua, J.: I don't know? You are examining him.

C

Q. Dr. Rintoul, can you look at the chart---- Do you have a copy of it? Can you kindly tell the Court what does this show, the chart?

A. Well, I have written on the chart.

Q. Yes, but not very clear?

A. I have written on the chart where codeine is shown by---

D

Chua, J.: No, No--- I have written on the chart---

A. ---where codeine is written, showing the peak and where morphine is shown by the peak.

Q. Where codeine what?

E

A. Where codeine is shown by the peak.

Q. By the---?

A. ---peak. This is all done by electronics, my Lord - and where the morphine is shown by the peak.

WALTER RINTOUL

(Examination-in-chief by Mr.Chan) (contd.)

A Chua J.: Yes.

A. With the impurities being unknown to us, codeine which is methyl morphine ...

Q. Yes.

B A. May lose the methyl group thereby becoming morphine.

Q. Yes.

C Q. Now Dr. Rintoul, you mentioned to the Court and also in the report - this is just a preliminary report. When is it possible for you to finalise your analysis on the basis of this particular preliminary report?

A. My Lord, the quicker I can do this, the happier I will be and I am hoping within one week.

D Chua J.: When you will arrive at the result of your quantitative test, I take it?

A. I am hoping within one week.

Q. That is the quantitative test?

E A. I have to prime my gas chromatograph for pressing. I am present in Court today to give the truth and nothing but the truth.

Chua J.: That is all, Mr.Chan?

Q. I think - just one more question, Dr.Rintoul, you do not know the accused yourself, is that correct?

F Chua J.: Is that necessary?

Mr.Chan: Oh, I am sorry.

WALTER RINTOUL

(Examination-in-chief by Mr.Chan) (contd.)

A Chua J.: It is ten to four now, I don't know
whether you want to adjourn and
consult your chemist?

D.P.P.: I will cross-examine but I won't
know what course of action my
B learned friend would take in the
circumstances.

Chua J.: No, you can make your application.

D.P.P.: Well, I will leave it to the Court
in view of the late hour and I
C will take some time.

Chua J.: It will be better for you to go
through this evidence with your
chemist. I don't know how you are
going to cross-examine this witness
D without advice from your expert.
You will be groping around - I
think it is four o'clock.

D.P.P.: Yes, my Lord.

Chua J.: All right, we will adjourn to
E Monday then at 10.30.

Mr.Chan: My Lord, in that case in view of
the fact that, I think to be fair
to the prosecution, my learned
friend will have to take some time
F to study what Dr. Rintoul told the
Court today - I am sure, when will
the Court

WALTER RINTOUL

(Examination-in-chief by Mr.Chan) (contd.)

A

Chua J.: He has plenty of time.

Mr.Chan: In that case I will leave it to
your Lordship.

Chua J.: Monday then.

Mr.Chan: On Monday -- I am surprised, my
Lord.

B

Chua J.: Yes, all right, we will resume
on Monday.

(Court adjourns at ^{Friday} 3.55 p.m., 9.7.76 to
10.30 a.m., 12.7.76).

(COURT RESUMES AT 10.35AM ON 12.7.76)

WALTER RINTOUL (ON FORMER OATH)

(CROSS-EXAMINATION BY DPP)

A DPP : May it please you, My Lords, may I proceed to cross-examine Dr Rintoul.

Chua, J: Yes.

Mr Chan: My Lord, may a chair be provided for Dr Rintoul.

Chua, J: You are on your former oath.

B Mr Chan: He has not entirely recovered.

Q Now, besides being a chemist, you are the owner of the Singapore Testing Laboratory situated at 875 Bukit Timah Rd?

A That is correct, My Lord.

Q Now, Dr, how many qualified chemists have you in this laboratory?

C A In this particular laboratory, no qualified chemists.

DPP : D2, My Lords.

Chua, J: Yes, how many?

A In this particular laboratory, I have no qualified chemist.

Q You mean you have other laboratories, Dr?

A My Lord, I am the official analyst of the Malayan Racing Association which has its own laboratory.

Chua, J: Singapore Racing Association?

E A Malayan Racing Association, but the laboratory is in Singapore.

Q It is owned by the Malayan Racing Association, that laboratory? Is that not so, Dr?

A That is correct, My Lord.

WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

- A Q When you did this analysis in this case, you did it in your own laboratory, is that so, Dr?
- A No, My Lord.
- Q Where did you do it then?
- A Malayan Racing Association laboratory.
- B Q You did it in the Malayan Racing Asscn laboratory?
Now, the main preoccupation of that laboratory that you mentioned, the one owned by Malayn Racing Asscn, the main preoccupation of that laboratory is examination of horses' urine?
- C A For the detection of drugs, My Lord.
Chua, J: For the detection of drugs?
A For the detection of drugs or medication.
- Q Dr, is it not true that neither your own laboratory nor the one owned by the Malayan Facing Asscn handles or examines
- D narcotics as a routine?
- A Very seldom, My Lord.
- Q Now, Dr, how many examinations of narcotics have you done recently?
- A Quantitatively nil, My Lord.
- E Q What do you mean by that, Dr?
- A My Lord, we are more particularly interested in the presence of a drug rather than the amount.
- Q And that is nil then. How many years it stretches back to, quantitative tests you have not done any? How many years
- F does this stretch back to?

WALTER PINTOULL

(CROSS-EXAMINATION BY DPP) (ctd)

- A A Would Learned Counsel say in what respect?
- Q Quantative examination of narcotics. You said that recently you have done no examination quantitatively of narcotis. I am asking you when was the last time that you have done such an examination, quantitative examination.
- B A In another narcotics case, still to be held before the High Court, My Lord, in which some accused person --
Chua, J: But when was it, what year?
A This year, My Lord.
- Q In another case yet to come up for hearing in the High Court?
- C A In another case yet to come up for hearing in the High Court.
- Q Apart from this, when was the last time that you did a quantitative examination of narcotics?
A Some time between the years 1953 and 1956.
- Q Dr, I am not belittling you. Would you agree that/procedures as far as quantitative examination of narcotics will be a bit rusty, and hence you have to refer to literature to make sure you have done things rightly.
- D A I would disagree, My Lord, in that the methods are comparable to those used by the Dept of Scientific Services with similar electronics.
- E Q Dr, you are not with the Dept of Scientific Services.
A I beg your pardon.
Q You are not with the Dept of Scientific Services. What do you mean by your answer?
- F A I have visited that department, the Dept of Scientific Services by courtesy of Mr Lim Han Yong.

WALTER RIMTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A Chua, J: Mr Lim?

A Mr Lim Han Yong.

DPP : PW7.

Chua, J: And you have seen the equipment there?

A And their instruments are identical.

B Q And your laboratory as well as the one owned by the Malayan Racing Association laboratory have those equipment?

A No, My Lord, not my laboratory; but the Malayan Racing Association, yes.

Q Which you do not handle yourself?

C A I am personally in charge, My Lord.

Q Dr, from your answers, are you telling us that you are quite familiar with quantitative examination of narcotics?

A Yes, My Lord.

D Q Quantitative again, even in Malayan Racing Association laboratory does not handle quantitative tests, do they?

A Precisely, My Lord, the answer would be no, but we would be expected ^{to} in doses of large amounts or small amounts, in view of the time of the excretion factor of drugs--

E Q So, Dr, you are telling us you are more familiar with extracting them from the urine of horses, is that not so?

A That is correct, My Lord.

Q Now, the two laboratories do not deal with blocks of narcotics like the type we have in this case?

WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A A No, My Lord, otherwise I would be committing an offence. Previously, My Lord, as a Government chemist, the answer would be yes.

Q And that would be between the years 1949 to 1953, some 20 over years back.

B A Yes, My Lord.

Chua, J: I think he set out in his report, 1949 to 1953.

DPP : Yes, My Lord.

Q Now, my instructions from Mr Lim are that in fact you were given one gram of each of the exhibits and not 0.20 gm, as

C you have stated in your examination-in-chief. In examination-in-chief, you said Mr Lim's assistant sampled the pulverised product and weighed out approximately 0.20 gm and placed this into 3 brown bottles which were tightly closed. One sample each of A1 and A2 were given to me and the remaining were kept by the Dept of Scientific services.

D Now, Dr, would you agree with me what you have said is not true?

A I never weighed the samples, My Lord. Even 0.20 gm would be sufficient for analysis.

Chua, J: The point here is that Mr Lim has said that

E 1 gm was made out.

A I am not disputing what Mr Lim has said, My Lord.

Q Now, the 0.20 gm that you came up with in your examination-in-chief is an assumption on your part?

Chua, J: Pardon.

WALTER PINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A Q 0.20 gm, the figure that you came up with in examination-in-chief is an assumption on your part on the basis that 0.20 gm is sufficient for analysis.

A That would be sufficient for analysis.

Q That is an assumption since you did not weigh it.

A This would be enough for me.

Q You assumed they weighed up to 0.20 gm then.

Now, Dr, further, only 2 samples of each of the exhibits were taken out. There was no such thing as a third sample, the remainder kept by the Dept of Scientific Services. Would you agree with me on that?

A My Lord, I thought I heard Mr Doray and the other Customs officer mentioning one sample for the Court, so I may be wrong.

Chua, J: Mentioning?

D DPP : Mentioning one sample for the Court.

A I was only interested in the 2 samples presented to me. And if I may add, My Lord, the sampling was well done.

Q Besides these 2 samples given to you, you were also given a sample of standard morphine and codeine by Mr Lim.

E A My Lord, I was given a sample of morphine hydrochloride but no sample of codeine.

DPP : My mistake here, My Lords. The witness was given a sample of standard morphine hydrochloride.

A Which Mr Lim Han Yong informed me he considered to be at least 99% pure and looking at it, pure white in colour, I did not dispute his statement.

WALTER RIMTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

- A Q Dr, we go on to your test now. Besides thin layer chromatography and gas chromatography, that is TLC and GC, the 2 tests that you have mentioned, did you do other tests on the 2 samples of powder, A1 and A2?
- A These 2 tests, My Lord, prove beyond doubt the presence of morphine and codeine, both scheduled poisons under the Poisons Act and therefore I do not consider it necessary for quality of test to proceed further, other than to establish the presence of the chloride radical.
- Q All right, Dr, are you telling us that you definitely did only 2 tests, TLC and GC only?
- C A For the basic drugs and the chloride test to see if they were present as crude drugs or as hydrochloride.
- Q And another test?
- A And the presence of chloride in order to see if they were present as a crude drug.
- D Chua, J: Sorry.
- DPP : Could you repeat?
- Chua, J: Presence of chloride in order to see?
- A Whether they were present as morphine or codeine or the salt, chloride salt of morphine or codeine.
- E Q So, Dr, in fact, 3 tests only?
- A That is correct, My Lord.
- Q So, Dr, you must agree with me that you did not do a test to ascertain the moisture content of the exhibit?

WALTER RIHTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A A My Lord, if given 1 gm I heated it to a temperature of 105°C or Celsius, then I may have destroyed(?) the sample, that part of the sample; or if I was given 1 gm, there was not sufficient to do a toluene distillation test and throw away the remainder because there may be some process going on.

Q Now, Dr, are you saying 1 gm is insufficient to do any moisture test?

A My Lord, in an oven at 105°C or Celsius, since we are on the metric system, I would not favour this test.

C Chua, J: And the test would have given the moisture content?

A But it would destroy the compound left. I would not favour this method for such a small amount.

DPP : You may not favour this method--

D Mr Chan: If I may interrupt, to be fair, he said he cannot favour this method because it may destroy the compound left.

DPP : I am cross-examining him on this point. I don't know why My Learned Friend is interrupting.

E Q You might not favour it, but 105°C under the metric system or Celsius, is not burning. It is just boiling point, that might not destroy it.

A 100°C or Celsius is boiling point, and as you know, My Lord, it is pretty hot.

WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A Q It might be pretty hot, Dr, but not necessarily hot enough to destroy the whole basic nature of the substance.

A The answer to the question, the whole may be correct, but part may be destroyed.

E Q You still have got part there, Dr. Dr, since you mentioned moisture to be so important a substance here, as though it acts as a catalyst in the reaction between the impurities and the codeine, why didn't you ask Mr Lim for more so that you can do a proper moisture test? You must have that in mind when you went to the Dept of Scientific Services?

C A I didn't have this in mind when I went to the Dept of Scientific Services because I had not studied Mr Lim's report carefully.

Q Carefully, you mean?

D A In which it only mentions the presence of morphine and nothing else.

Q But Dr, surely as an experienced chemist of some standing, you must have that in mind, if not from the report, at least from your experience.

E A Mr Lim, My Lord, is familiar with the work in which he is engaged, and as he only mentioned morphine in his report, and no other substance is being present, I did not consider the matter.

F Q And it was only during cross-examination of Mr Lim by Mr Thomas Chan that this came to your mind then, that the moisture content is important? Dr, yes or no?

WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

- A Chua, J: He wants to refer to some books.
- A I have discussed with Learned Counsel for the Defence on Sunday, July 4th, My Lord, at about 10.30 am.
- Chua, J: That was before Mr Lim gave evidence.
- DPP : Yes, My Lord, before Mr Lim gave evidence.
- B A That is correct, My Lord.
- Q Now, that was before the completion of your analysis?
- A That was after the conclusion of my qualitative analysis which took place on 1 July.
- Q That still gave you time to ask for more of the 2 samples for a test on moisture content, but you did not, Dr.
- C A My Lord, I would have considered that my colleague, Mr Lim, would have mentioned, if not in his report, in his evidence, the presence of all other substances.
- Q Is that all, Dr, that you wish to say? Now, Dr, the point is, you haven't finished the whole of your testing. You just did a qualitative test. It was still open to you to ask for more samples for a test on moisture content. Until right now, you haven't finished your quantitative test.
- D
- E A I have not finished, My Lord. And if I may add, Learned Counsel, Deputy Public Prosecutor, DPP, I believe, promised me on 5 Jul all assistance from the Dept of Scientific Services and at the adjourned hearing on 9 Jul, I approached Learned Counsel, My Lord, is that correct?

L11
12.7.76

Verbatim
Notes

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WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A Q That is correct.

A And told him or requested him that if my instrumentation were not complete by today, may I accept his offer of using the facilities of Scientific Services and this was refused.

11.10
12.7.76

Philip @ 11.10 a.m.
Fr. Leong, 12.7.76

Verbatim
Notes.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Q. Doctor, I am afraid you have got it all wrong, our assistance was never refused - assistance given to you; it is a question of you approaching at the right time, isn't it Doctor, and not us coming to you and offer you our assistance which unfortunately-----

B Chua, J.: It is a question of-----?

D.P.P.: It is a question of you coming to the Department of Scientific Services and asking for assistance and not some official of the Department of Scientific Services to come to you and say "Yes, let us offer you our assistance".

C

Chua, J.: Yes.

A. My Lord, the learned counsel on the 5th of July in this Court, and reported by the Press offered me the facilities of the Department of Scientific Services. On Friday evening as this Court adjourned, the learned counsel, Mr. Loh asked me how much longer; I said if my instrument was not ready by Monday I would be prepared to go to the Department of Scientific Services and accept his offer in order to complete this task as expeditiously as possible.

D

E Q. And you mentioned 8 hours will be sufficient, is that right?

A. I beg your pardon?

Q. You mentioned 8 hours.

Chua, J.: No, no, Mr. Rintoul, all this arose out of his question why did you not ask for more samples or moisture test.

F

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A D.P.P.: For moisture test.

Chua, J.: That's all, and then you mentioned-----

A. We have not come to the stage of adding up yet, my Lord, from my point of view what is the composition of the 75.9 grams of blocks.

B Q. Yes, Doctor, you have not come to that but you have given us-----

Chua, J.: You have not reached the stage of---what?

D.P.P.: To calculate-----

A. To calculate the composition of the 75.9 grams present in
C the blocks as they were originally handed over to Mr. Lim Han Yong.

Q. Now, Doctor, since you talk about calculations, is it not true mathematically you can calculate at least roughly the amount of moisture and impurities having regard to the fact
D that Mr. Lim mentioned his finding on the amount of morphine he mentioned the amount of codeine - mathematically you can calculate it out. In fact, you gave us some rough figures in your examination-in-chief.

A. My Lord, this calculation has been done and if the morphine
E is present as morphine hydrochloride in toto-----

Chua, J.: In toto?

A. In toto.

A. ---then that weight would be 61.09 grams of morphine hydrochloride.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Q. 61.09?

A. 61.09. I used one of these to calculate that.

Q. 61.09, morphine hydrochloride?

A. Grams of morphine hydrochloride.

Chua, J.: Yes.

B A. I understand, my Lord, that Mr. Lim found 10.8 per cent of codeine in A1 which if calculated to codeine hydrochloride which has two molecules of water, if calculated to codeine hydrochloride which has two molecules of water would be 4.945 of a gram.

C Chua, J.: 4 point——?

A. 4.945.

Q. Grams?

A. And in sample A2 I believe Mr. Lim said he found 8.5 per cent of codeine present which

D would result in a figure of codeine hydrochlorid at 4.039.

Chua, J.: How much?

A. 4.039. So therefore my calculation, adding all these figures together would give me,

E if my arithmetic is correct, 70.044 grams, whereas the block weighed 75.9 grams.

Q. 75.97 to be exact?

A. Which is namely a difference of 6 grams.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

- A Q. Now, Doctor, these 6 grams, what would you attribute it to be then?
- A. I think, my Lord at the moment, this juncture, I do not think Mr. Lim would disagree with me that part of it must be moisture - part of it only.
- B Q. And?
- A. And part of it as impurities. I say this, my Lord, as previous to World War 2, before the Japanese occupied this colony as it was then under the League of Nations we had to prepare morphine hydrochloride.
- C Chua, J.: "We had to prepare----"?
- A. We had to prepare morphine hydrochloride from opium for medical purposes.
- Q. Doctor we are not disputing that.
- A. No, I am pointing out, my Lord, that there are---there must
- D be some impurities.
- Q. Yes, we agree with you Doctor, we are not disputing that, Doctor. Now, assuming that I accept your figure of difference of 6 per cent----
- A. 6 grams.
- E Q. About 6 grams to be partly moisture and partly impurities, can work both ways then? These 6 grams might compose of more moisture than impurities or vice versa, is that so, Doctor? You do not know because you have not done any tests.
- A. We will only know when tests are carried out, my Lord.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Chua, J.: Pardon?

A. We will only know when tests are carried out, and, my Lord, I received a sample taken from an envelope.

Q. Taken from?

B A. From a sealed envelope on July 1st which cannot be called a well-sealed container.

Q. Right, Doctor, never mind about that. Since we are on figures let me give you some figures and see whether you agree. Now, in relation to Al Mr. Lim found 60.2 per cent morphine base-----

C

Mr. Chan: I think it is P.13, my Lord.

D.P.P.: Page 20, my Lords.

Q. Now, Doctor, Mr. Lim, in relation to Al, Chemist Report, he found 60.2 per cent morphine base; he found 10.8 per cent codeine, now, this morphine base converted into morphine hydrochloride will be 79.3 per cent, do you agree? Let's be more exact, your figures, as I said, are roughly---I am going in great details, if you like; now, the 79.3 per cent---

D

A. You told me the figure was 75.96.

E Q. 75.97, no, no, that one is the total weight.

A. Yes.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

- A Q. If you want them to be in figures, now, Doctor, there are quite a number of figures here: in its block form Al is 39.96 grams; in its powder form it is 36.83 grams. I am talking about percentage; I am not working on grams - we can work out in grams later; in terms of percentage 62.2
- B morphine base, into morphine hydrochloride will be 79.3, is that correct, Doctor, 79.3?
- A. I got it as 79.4 - anyway I agree with you.
- Q. Now, codeine into codeine hydrochloride, the figure would be 13.4 per cent; 13.4 per cent because codeine is 10.8---no,
- C it is not in the report.
- A. I know it is not in the report.
- Q. Would you work it out first, doctor and see whether you agree? Now, Doctor, your amount is in terms of grams - 13.4 codeine hydrochloride.
- D A. Now, you said Al how much?
- Q. Al - 10.8 per cent codeine, converted into codeine hydrochloride is 13.4.
- A. Codeine hydrochloride, my Lord, contains 2 molecules---
- Q. No, we do not want molecules of water, we want it pure: 13.4
- E includes molecules of water.
- A. So that is----your figure is?
- Q. 13.4.
- A. My Lord, this would take some time to work out.
- Chua, J.: How long will it take?
- F Q. 5 minutes, Doctor?

WALTER RIMTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Chua, J.: You do your calculations, Doctor.

A. But I have to work out-----10.8 per cent codeine----(witness calculates) ---22.17.

Q. Well, then that is not correct -- 22.17, it is morphine base.

A. 10.8 per cent----

B Q. Now, Doctor, let me give you the figure then----

A. 10.8 per cent, what is your answer?

Q. 13.4.

A. Something ; wrong with someone's arithmetic somewhere.

Chua, J.: Would you like to check the figures given
by Mr. Loh?

C Would you repeat the figures?

D.P.P.: Yes, my Lord, 10.8 per cent codeine.

A. I would say A2 -- 8.5.

Chua, J.: No, it is only in relation to A1.

D A. 10.8 per cent?

Q. 10.8 only.

A. Yes.

Q. We go block by block, Doctor, we do not want to know how you calculate; we want one block at a time; codeine 10.8 per cent; morphine 60.2, as I said earlier morphine content, block A1 -- 60.2, morphine hydrochloride converted -- 79.3, you agreed; codeine hydrochloride -- 13.4; Doctor, we are just working the percentage, we can convert to grams later.

E 10.8 per cent of codeine gives how much codeine hydrochloride,
F and the figure is 13.4.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A A. Well, I accept your answers. In the mean time I will recalculate afterwards rather than taking time.

Chua, J.: No, no, I think you'd better calculate; whether you agree or not?

Q. It cannot be less, Doctor.

B Chua, J.: No, no, let him calculate it.

A. How much did you say?

Q. 13.4.

A. I agree.

D.P.P.: He agrees, my Lord.

C Witness: I am sorry I have taken so long, my Lord.

Chua, J.: All right, 13.4 per cent.

A. Your percentage of morphine hydrochloride?

Q. Morphine hydrochloride is 79.3.

A. And 13.4.

D Q. 13.4, so the total of morphine hydrochloride and codeine hydrochloride would be 92.7.

Chua, J.: 92.7, yes.

Q. Now, Doctor, so there is here a difference of 7.3 per cent unaccounted substance; it could be impurities, it could be moisture?

E

A. Both.

Q. Or both. Now, Doctor, we go on to block A2, Chemist Report P.14.

Chua, J.: Yes.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

- A Q. Now, all these figures are Mr. Lim's figures, Doctor. Now, the morphine content found by Mr. Lim is 63.3 per cent.
- A. In both?
- Q. No, no, block A2, the second block, P.14, the weight of the block is in powder form 38.26 grams, weight in block form is 39.01 grams; now, Doctor, Mr. Lim found 63.3 per cent pure morphine weight by weight; now, Codeine is 8.5 per cent; now, Doctor, the morphine in this case, converted into morphine hydrochloride is 83.4 per cent, do you agree? Please calculate.
- B
- C A. I accept that.
- Q. The codeine to codeine hydrochloride is 10.6 per cent.
- Chua, J.: How much?
- D.P.P.: 10.6, my Lord.
- A. I accept that figure, my Lord.
- D Q. Now, the total of morphine hydrochloride and codeine hydrochloride will be 94 per cent then?
- A. Yes, 6 per cent short.
- Chua, J.: How much is it?
- D.P.P.: 94 per cent, my Lords.
- E Q. And therefore gives a figure of 6 per cent in unaccounted substance which may be in impurities, moisture or both?
- Chua, J.: You agree?
- A. Yes.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Q. Now, Doctor, the figures that you arrived at from your calculations - 70.044, your calculation in relation to both blocks 70.044---

Chua, J.: Both blocks?

B D.P.P.: Both blocks, my Lord - 70.044 of morphine hydrochloride and codeine hydrochloride, both hydrochloride.

Q. Now, the two blocks in its powder form, Doctor, weigh a total of 75.11-----

Chua, J.: The two blocks.

C A. 75.97.

Q. 75.97 if it is in its block form.

Chua, J.: The two blocks in powder form weigh----?

D.P.P.: 75.11, my Lord.

Chua, J.: 75.11 grams, yes.

D D.P.P.: In its block form 75.97 grams.

Chua, J.: Yes.

Q. Now we take the powder form, Doctor - 75.11 minus your 70.044---

Chua, J.: We take the powder form?

D.P.P.: Yes, my Lord, we take the powder form.

E Q. 75.11 minus your calculation of 70.044 grams gives it a figure of 5.066 of unaccounted substance then, right?

A. Yes, I accept that.

(cont'd.)

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. So, Doctor, in terms of percentage 5.066 of 75.11 grams,
in terms of percentage---

Chua, J.: So you said, in terms of percentage?

Q. ---5.066 out of 75.11 gives a percentage of approxi-
mately 6.6%?

B A. My Lord, partly fallacy in the argument here, in that
we are using the figure of 75.11---

Q. Now we are talking about powder form first, Doctor.

A. ---in that if I cut the top of an egg for qualitative
analysis the remainder is not representative of the

C whole - I may not touch the yolk; and now though the
75.11 does not react to the total weight of the
two blocks as 75.97---

Q. Allright, Doctor, take 75.97, take 75.97. You
prefer that figure, take it then, take that figure,

D Doctor?

Chua, J.: Take the figure of---

D.P.P.: ---75.97, in its block form, the heaviest
possible then in this case.

Q. 5.066 out of 75.97 then, what is the percentage,
E what is the figure, Doctor?

Chua, J.: No, you give the percentage and see
whether he agrees.

D.P.P.: No, my Lord, he doesn't want it to be---

Chua, J.: No, No, work on the basis of 75.97.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A D.P.P.: I have not got the figure, my Lord,
I am letting him work it out on his
calculator. He prefers the higher figure.

Q. Now the higher figure, what is the percentage?

A. According to my information, the total weight of the
B two blocks was 75.97.

Chua, J.: What is the percentage then?

Q. What is the percentage then, 5.066 out of 75.97—
75.97, Doctor?

A. I have got 70.44.

C Q. No, your 70.44— Allright—

A. 70.44 over 75.97 times 100.

Q. So the difference is 5.926 then?

A. 92.7%.

D Chua, J.: What are the figures now? I don't quite
follow— you suggested one figure and he
suggested another?

Q. So, Doctor, your figure of 92.7 of unaccounted sub-
stances is really 7.3?

A 6.3%, 93.7.?

E Q. Doctor, I am afraid it is 7.3?

A. 93.7 from 100.

Q. Oh! so 6.3?

Chua, J.: 6.3%?

D.P.P.: 6.30% then.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. Now, Doctor, we take the lower figure right now, even though you may not accept it - the lower figure is 5.066.

A. 5.066 represents, as my learned Counsel---

Q. That means the 75.11 in its powder form.

B A. 5.066---

Q. Now, Doctor, your figure is 70.044, right?

A. Yes.

Q. So we take it in its powder form, the two blocks weigh 75.11. So in terms of grams the difference is

C 5.066, right, Doctor?

A. I don't understand that one?

Q. Your own figure of morphine hydrochloride, codeine hydrochloride is 70.44?

A. 70.44.

D Q. I thought you said 70.044?

A. 70.44.

Chua, J.: I have got it down as 70.044?

Mr. Chan: I have, to be fair to the Prosecution I think you said 70.044.

E Witness: I can't even find the figure.

Mr. Chan: Did you say 70.044?

Q. Doctor, you gave us at 70.044?

A. You are correct.

Q. Yes, I am correct?

F A. Yes, you are correct.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. So, Doctor, your figure of morphine hydrochloride and
codeine^{-hydro}chloride in terms of grams is 70.044?

A. That is correct--- I have found the page.

Chua, J.: 70.044---?

D.P.P.: ---of morphine hydrochloride and codeine
hydrochloride.

B

Q. Now, Doctor, the two exhibits in its powder form is
75.11 grams---

A. Seventy---?

Q. ---five-point one-one grams. Now the difference in
C unaccounted substances is 5.066 grams; in terms of
percentage of unaccounted substance is 6.6%.

Chua, J.: 6.6%.

D.P.P.: Yes, my Lord.

Chua, J.: You agree, Doctor?

D

A. My calculator makes it 93.25.

Q. Eh?

D.P.P. 93.25 he got it as, my Lord.

Witness: I will re-check.

Q. It's 6.75, the difference?

E

A. 93.25---

Q. So the difference is 6.75 then in fact, right, Doctor,
6.75 then?

Chua, J.: Per cent, is it?

D.P.P.: 6.75.

F

Chua, J.: 6.75%?

D.P.P.: Yes, my Lord.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A D.P.P.: Your Lordships need not write it down, my Lords.

Q. To recapitulate then, Doctor, your figure of 70.044 morphine hydrochloride and codeine hydrochloride, that means in its block form is 75.97, giving it a percentage of 6.3% of unaccounted substance. In terms of the lower figure, that is the exhibit in its powder form, the percentage is 6.75%, right, Doctor, to recapitulate?

A. Right, right.

C Q. Now we go on to the figures given by Mr. Lim then. Mr. Lim has got a percentage of 7.3% in relation to A.1, in relation to A.2 it is 6%. Now, Doctor, averaging it out, 6.6%, right?— 7.3 plus 6%, 13.3, 13%, if it is averaged down is 6.6; to average it up, my Lord, is 6.66.

Chua, J.: I don't quite follow— 6.6?

D.P.P.: 7.3 plus 6 - I am giving the average of the two.

Witness: Are you making a rough average?

E Q. Rough average, 6.6% - it's actually 6.65. So, Doctor, is it not true that your figures really agree with Mr. Lim's then, your figures agree, of course having regard to the statistical law of probabilities - your figures are nearly the same?

F A. My Lord, based on Mr. Lim's findings, my figures agree.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

- A Q. Thank you, Doctor, that's what I want. Now we have taken a lot of time on this; we go on to the next item, your qualitative test, your T.L.C. Now you have heard the whole of Mr. Lim's evidence in Court, is that not true, Doctor?
- B A. I believe that is true, my Lord.
- Q. Now, Mr. Lim, used the paper chromatography test, isn't that so, but it's nearly the same as yours, Doctor? You used the T.L.C.----- it's nearly the same thing, except-----
- C A. My Lord, paper chromatography, which I think you might call P.C. this time for brevity, is much more old fashioned.
- Q. Doctor-----
- A. And unless it was confined, as I have shown, demonstrated to you on the photographs of T.L.C., will not show you the apparent density.
- D Q. Doctor, one might be old fashioned, the other one might be progressive, but nonetheless it could be nearly the same: it is only a question of the agents you use,
- E isn't it, Doctor?
- A. My Lord, in T.L.C. the limit is confined; As the exhibit of paper chromatography was not shown in Court.
- Chua, J.: As the paper-----?
- A. -----paper chromatography.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Chua, J.: The limit, is it, the limit?

A. ---was not shown in Court---

D.P.P.: I am showing it now, Doctor.

Witness: ---if the paper was not split the spots
could go upwards as well as outwards.

B Chua, J.: The spots----?

A. ---could move outwards as well as upwards.

Q. No, Doctor, I am just asking a very simple question:
in terms of P.C. and T.L.C., they are nearly the same
even though one is more old fashioned, but the point

C here is the difference is the application of reagents;
different reagents give intensity to the spots. Isn't
it true, Doctor?

A. The difference, my Lord, is, in T.L.C. the product is
restricted in area, whereas in paper chromatography
D it is not necessarily restricted.

Chua, J.: It is not his question?

Q. You are not answering my question. I am just asking
you whether they are the same thing, the difference
here is the application of reagents; different
E reagents give different density to the spots?

A. For a direct answer, I would not agree, my Lord.

Q. Right, you might not agree---

D.P.P.: Different reagents give different intensity
to the spots, my Lord.

F Q. What do you mean by that. You don't agree direct?

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

- A A. In the colour test which I did not use for morphine, we get a reddish purple colour with the specific reagent; with cocaine we would get a green colour. But the reddish purple colour is more predominant---
Chua, J.: More pronounced?
- B A. More predominant.
- Q. Right, right, Doctor, if you go on, your different reagents give different colours, is that true?
- A. That is correct, my Lord.
Chua, J.: Different what?
- C D.P.P.: Different reagents give different colours, my Lord.
Witness: Some may give nothing at all.
- Q. Oh! some may give nothing at all? Now, what reagent did you use in this case?
- D A. In which case?
- Q. In your analysis?
- A. Which analysis, my Lord?
- Q. Your qualitative examination which resulted in your photographing it with your Polaroid camera?
- E Chua, J.: That is the T.L.C.?
D.P.P.: Yes, T.L.C.
- A. I think the Department of Scientific Services would call it Dragendorf.
- Q. Would you spell it out to their Lordships?
- F A. D-R-A-G-E-N-D-O-R-F.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. Dragendorf reagent. Now, Doctor, is it not true that this dragendorf reagent is a specially, or rather codeine is especially sensitive to this dragendorf reagent?

A. No, my Lord, there are many, many drugs shown up by this reagent.

Chua, J.: You say, extra sensitive?

D.P.P.: Yes, my Lord, codeine is extra sensitive to this dragendorf reagent.

Chua, J.: He does not agree.

C Q. You don't agree?---- Can I use the word 'more sensitive' then, more sensitive to dragendorf?

A. In my report, my Lord, I said 'apparently'.

Q. Yes, Doctor, that is why you use the word 'apparently' - apparent because you felt that codeine may be even more - even though the word 'maybe' - may be more sensitive to this dragendorf than morphine?

Chua, J.: May be more sensitive?

D.P.P.: The word 'apparent' he used: "----as codeine may be more sensitive to the spray reagent."

E Q. So there, even if you do not use the word 'extra' sensitive, more sensitive then?

A. My Lord, in order to come to a true conclusion I had to report 'apparent', in order from a preliminary test to come to a just conclusion.

F

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. What was your answer, Doctor?

A. In order to come to a just conclusion—

Q. Alright, a fair conclusion, you call it---

A. ---a fair conclusion, I had to use the word 'apparent'.

I had to, my Lord, weigh all the factors together.

B Q. Alright, Doctor, we accept that. Now, Doctor, you were in this Court, did you not hear Mr. Lim use T.L.C. in his analysis?

A. I believe I did, my Lord; I didn't see any documentary evidence?

C Q. He did not take any photographs like you did---

A. Or bring the plate?

Q. Now, Mr. Lim, did a paper, P.C., paper chromatography, and this P.C. is in addition to T.L.C. Now in his P.C., Mr. Lim used the reagent known as iodoplatinate---

D may I spell it out, I-O-D-O-P-L-A-T-I-N-I-A-T-E

reagent, iodoplatinate reagent. Now look at this

A. document: is this---

D.P.P.: My Lord, I am unable to produce photostat copies because this document actually shows colour of the various blots.

E

Q. Now look at this---

Chua, J.: Mark it for identification.

D.P.P.: Yes, my Lord, I believe if he agrees we can mark it.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Chua, J.: How can he agree? He doesn't know---
Witness My Lord, this document is undated, so I
cannot tell you when it has taken place.

D.P.P.: Alright, my Lord, I shall not admit it.

Q. Have a look at it: if I tell you it is in relation
B to these two exhibits, do you accept it? If you
do not accept it, I keep it.

A. Not having the date---

Chua, J.: How can he accept or not accept?

D.P.P.: No, I am asking whether he knows whether
C this is the test done by Mr. Lin.

Chua, J.: How can he say it?

D.P.P.: Because I have taken it from Mr. Lin.

Witness: There is no date on when this was taken,
my Lord.

D Chua, J.: We will mark it for identification. You
have to call the chemist.

D.P.P.: No, I shall not waste very much time on this.

Q. Because your own photograph is undated?

A. I stated in Court that the photograph was taken on the
E 7th of July.

D.P.P.: My Lord, if this is the case, I don't think
I will use it because I don't think I want
to call the chemist, my Lord. I am just
telling him--

F Chua, J.: It's not a question whether he accepts.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Chua, J.: (ctd.) He says he cannot say whether that is
the result of the test or not.

D.P.P.: Allright, my Lord, we go on to quantitative
test then right now.

Q. Now, your G.C., that is gas chromatography, is really
B a sophisticated electronic instrument---

A. That is correct, my Lord.

Q. ---consisting of many electronic parts---

Chua, J.: Are you talking of the quantitative or
qualitative?

C D.P.P.: Quantitative, my Lord - qualitative is
neither here nor there, the reagent in
any event is just something that could be
more sensitive, my Lord. I am going on to
quantitative; he replied G.C. is a

D sophisticated **electronic instrument** and
has many small electronic parts.

Chua, J.: Many what?

D.P.P.: With many small electronic parts.

Witness: That is correct, my Lord.

E Q. Now, Doctor, what caused your G.C. columns to be blocked?

A. Constant usage on anabolic, A-N-A-B-O-L-I-C, steroids,
S-T-E-R-O-I-D-S. I don't know whether if you want to
write this down: this is the concern of the Olympics
and horses at the moment.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A. Q. Constant use then caused it to break down?

A. Too many, too many--- the volume of work going through requires some changes.

Chua, J.: Going through what?

A. The volume of work going through these
B columns, 6 feet long, requires change.

Q. Required change?

A. Required change every so---- depending on the amount of usage.

Q. Now, Doctor, when you said re-pack and course(?), you
C mean you changed new columns?

A. We throw away the contents of the old column, re-pack the column with new material and then purge it.

Chua, J.: And then?

A. ---purge it with nitrogen gas, nitrogen
D being inactive---

Q. Nitrogen being---?

A. ---at a temperature---

Q. United, is it?

A. ---nitrogen gas - nitrogen gas at a
E temperature of 250° Celsius.

Q. So, Doctor, you put in new material into the column then?

A. That is correct.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. So, Doctor, is it not a case of conditioning them to use, just like you wear a new pair of shoes? Is it not a case of conditioning more than purging?

A. The simile which the learned Counsel has used, when you like a new pair of shoes when you get holes in them you throw them away.

B Q. What I mean is, when you get a new pair of shoes, just like you get a new column, is it not a case of conditioning them for the first couple of days, when you wear the new shoes you get pain here and there?

C So it is the same with your columns: conditioning your columns then, and not purging?

A. That is correct, my Lord, that is correct.

D Q. So, Doctor, the word 'purging' is wrongly used? So there is no question of purging them - it is a case of conditioning them for efficient use?

A. I don't agree, my Lord.

Q. Allright, why don't you agree?

A. There may be impurities which require purging.

Q. Now, Doctor---

E A. After which the column must be standardised against known products.

Q. Now, Doctor, we need not go into all these things. You have told us that you found impurities, you took out the parts, replaced them with new material.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

- A Q. (ctd.) So whether the dirty things in the form of impurities--- so if at all any impurities remain in the instrument, the electronic instrument, it will be negligible at least, unless your lab attendants are rather inefficient in the performance of their task?
- B A. My Lord, I have not laboratory attendants looking after this machine: I have a chemist looking after this machine.
- Q. Unless your chemist is rather inefficient in the performance of the job, Doctor, because the whole thing was taken out--- Wait, Doctor, wait!
- C A. I wish to answer your question first. My chemist, my Lord, I think is more experienced in gas chromatography than anyone else in Singapore.
- Q. Allright, if your chemist was so efficient, when he repaired the instrument he must have taken out most if not all the impurities then that caused the blockage?
- D A. I assisted - there are two columns in this instrument - I assisted him in the re-packing as the system ran from Tuesday, 6th of July, till I found at 2 o'clock on Friday, the 9th of July, the stage of precision had not yet been reached. My Lord, we are only interested in precision.
- E Q. Yes, Doctor, we have heard you tell this, precision accuracy, we accept that, Doctor. Doctor, I am asking you whether, does it take so long for the purging of
- F

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

- A Q.(ctd.) the impurities? Why must it take so long, from the 5th or you can call it the 6th, to the 9th July, why should it take so long for your chemist and yourself to take out the impurities, unless you did not take them out, Doctor, I don't know?
- B A. The product, my Lord, for packing the column comes from overseas and we re-packed one column again on Friday afternoon with new material more recently received in order to expedite this matter.

(contd.)

(S. ah @ 12.25pm.,
12.7.76.)

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A A. The product, my Lord, for packing the column because they are over-sized and we packed one column again on Friday afternoon, though new material, more recently received in order to expedite this matter.

Q. Now doctor, you are coming to the new ground on Friday.
B I am talking about 5th to the 9th of July, could you give us some reasonable answer as to why the purging took so long since you first found it to be blocked with impurities - why must it take so long?

A. My Lord, that is a question which no chemist can answer -
C he has to wait and see.

Q. Wait and see but, doctor, you are sure that you and your chemist colleague did rid the instrument of most, if not all, the impurities that were blocking the columns?

A. We are not satisfied, my Lord, with precision necessary
D for this Court as at Friday the 9th of July.

Chua J.: You are not satisfied ...

A. We are not satisfied that they had all been removed as on Friday, 9th July.

Q. Now doctor, I am talking about 5th of July, on the 6th rather of July when you found your G.C. to be blocked by impurities, you had them repacked, were you satisfied at that time they had rid the columns of their impurities the 6th of July, I am not talking about 9th of July when you first found them to be blocked?
F

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A A. We were certain that they were not rid of impurities because putting in simple substances like pure caffeine would not come out.

Chua J.: You were not satisfied?

A. The Malaysian Racing Association.

B Q. Yes.

Q. Doctor, why didn't you change new columns - the Malaysian Racing Association is a very rich association, they can well afford it?

C A. We expect the column to purge within 48 hours - that was our expectation. We were using the column packing - that one proved satisfactory previously, but perhaps because of age, it may have required more purging and hence we re-packed one column on Friday the 9th with new material.

D Q. Doctor, my main point here is, does not that laboratory that you used, one by Malaysian Racing Association, under control to ensure that all the equipment in the laboratory are in tip-top condition for any use at any time and if it is old, then to be replaced?

E A. As the photostat and the original come to you, the G.C. appeared when we first injected to be in tip-top condition and then suddenly like a puncture broke down.

F Q. Now doctor, my question is - why didn't you have new ones to replace the old ones, especially you are aware that there are many cases where your services have been solicited for? Why didn't you have new columns packed

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

- A Q.(contd.) instead of doing the ~~task~~ of ridding them of their impurities and hope that it will purge in time of the impurities?
- A. My Lord, new columns were ordered but they did not come to the concern - sent to the wrong board.
- B Chua J.: Sent to the wrong ...
- A. Board.
- Q. Doctor, why couldn't you tell us earlier instead of telling us that you were hoping to have purged them in 48 hours - that is the answer I have been asking for, why must you
- C tell us all these things? Now besides the G.C. test to quantitate the morphine or codeine or whatever you have, are there any other tests that will enable you to quantitate?
- A. They would not be so specific, my Lord.
- D Q. Now could you tell us some of the other tests even though they may not be specific, doctor?
- Mr.Chan: My Lord, is that necessary?
- Chua J.: He is being cross-examined,
- Mr.Chan.
- E A. Since it is a mixture, my Lord, we can rule out infra red and ultra violet.
- Chua J.: Yes..
- A. Other methods which may include chemicals may produce metabolites
- F or artifacts and the more direct approach ...

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

- A Chua J.: Direct approach ...
- A. The more direct approach of gas chromatography, G.C., would appear to be preferable.
- Q. Now doctor, another test is the colour nitrate test, is that not so?
- B that not so?
- A. That is by using chemicals, my Lord.
- Q. And this is one of the tests that Mr.Lim utilised?
- A. In this particular case, my Lord, Mr.Lim did use this test. In other cases he used gas chromatography.
- C Q. In this case Mr.Lim did use this test, the colour nitrate test, and ...
- A. And subsequent cases.
- Q.I am not interested in subsequent cases, I am interested in this case.
- D Chua J.: Yes, this case you used colour nitrate.
- D.P.P.: Yes, and Mr.Lim used this colour nitrate test in addition to the G.C. test.
- E Chua J.: Yes.
- Q. All right, doctor ...
- A. This has not been mentioned to me previously, my Lord.
- Q. You said during the cross-examination?
- A. The mention of colour nitrate but ...
- F Q. Colour nitrate test in addition to G.C. test?
- A. Quantitative test.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. Quantitative test?

A. I think he mentioned quantitative only.

Q. No, Mr.Lim said quantitation, he mentioned in his third group of test - quantitation and further test, colour test and gas chromatography?

B A. For quality.

Q. For quantitation, Mr.Lim said that - 7th of July, my Lord.

Chua J.: Lim ...

D.P.P.: Lim Han Yong, P.W.7 - did you mix

the powder thoroughly before the

C test? Yes, to obtain a homogeneous mixture and this mixture was subjected ...

Chua J.: He said quantitative test and

further identification. It involves

D nitrate colour method and ...

Mr.Chan: Mr.Lim, did say this thing but he

did not say the other thing.

Chua J.: I have got it here - he said

subjected to the following tests -

E 1, 2, 3 and quantitative and further identification.

Mr.Chan: He did say that.

Chua J.: Yes, quantitative and further identification.

F D.P.P.: Yes, Mr.Lim did say that.

Chua J.: This includes nitrate colour method and C.C.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

- A Mr.Chan: Yes.
- Q. So Mr.Lim, in addition to the nitrate test, the gas chromatography - that means he did two tests?
- A. I am not disputing the number of tests he made, my Lord.
- Q. He did two tests to quantitate this?
- B Chua J.: Well you can take it that he did so - it is on record.
- D.P.P.: Yes, I am telling him, my Lord.
- Q. Now doctor, why don't you agree with this method - the colour nitrate and G.C.?
- C A. I don't want roughly to inform the Court.
- Chua J.: Why - you could use the colour nitrate test?
- A. Yes, I could use but I wish to inform this Court with precision.
- D Q. Yes.
- Q. Now doctor, why can't you have given us some preliminary figures then just as you have said in your report, the preliminary report D2? As you have said it to be a preliminary report, why didn't you give us some preliminary figures, even though it is without precision you can confirm later by your G.C.?
- E A. I stated in Court that the T.L.C. was approximately 50%.
- Chua J.: Yes.
- A. Honestly I say there seems to be a contradiction in G.C. and therefore I have given some indication of preliminary inquiry.
- F

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Chua J.: Yes.

Q. Doctor, but you have told us that the 50% figure will be completely upset by the initial result of the G.C. - why didn't you use an earlier reagent because you said the substance had more effect on codeine?

B A. My Lord, the use of G.C. has a **similar** result that the peak of codeine may not be the same as the peak of morphine for the same quantity.

Chua J.: Of the same what?

A. Of the same quantity - therefore

C ~~that~~ was **apparent**.

Q. Again apparent, all right - now doctor, colour nitrate test does not take very much time to complete?

A. That is correct, my Lord.

Q. Even G.C., even if everything is ready, it does not take very much time - at the most a few hours?

D Chua J.: Everything is working properly?

A. Everything working properly 2 to 3 hours, my Lord, but as I am a witness, my Lord, I wish to do this personally.

E Q. As a witness in this case, you wish to do it personally - you want to do the G.C. personally?

A. I am personally responsible, my Lord, for the evidence I gave in this case.

F C. Yes.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. Now doctor, I heard you mention ultra violet - now doctor, you ruled out ultra violet ray - doctor, can you not do a test this way, extract or to separate the morphine and then subject it to ultra violet spectrophotometry? My Lord, to separate morphine and codeine and then subject it to
B ultra violet. Can you not have done a quantitative test this way?

A. My Lord, the extraction is not 100 per cent complete.

Q. What I am saying is - you can come up with some figures and we will appreciate it, doctor. In this case it is
C possible but you did not do it?

A. I am not interested in probability, I want facts, my Lord.

Q. Now your G.C. test, when you saw the microchrome, you told us that you had it for comparison, is that what you are trying to tell us?

D A. From my graph, it went screaming out - I added too much.

Q. Too much morphine?

A. Microchrome.

Chua J.: That is too much?

A. That is too much on this sensitive
E instrument.

Q. Now doctor, is the G.C. now ready?

A. As I have been in Court for the last two days, my Lord, and I was at the race course on Saturday and Sunday, I don't know until I phone.

F Chua J.: You did not know, is it?

Q. From last Friday you did not know whether it is ready?

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

- A A. I left the Court, my Lord, on Friday, I went straight to my laboratory where it showed some promise. Saturday and Sunday, I had been working at the race course both days.
- Chua J.: We know that, but the point is -
 do you know?
- B A. I don't know until I use my phone to ask my assistant chemist how is it going today? I have no opportunity to phone him yet.
- Q. Yes.
- C A. My Lord, and I have not been allowed to use the instrument in the Scientific Services.
- Q. No, doctor, you didn't say that?
- A. I asked you that counsel.
- D Q. That is clearly a misleading statement - nobody told you that you were disallowed to use it, you must appreciate the fact that the Department of Scientific Services has got a tight schedule?
- Chua J.: Not available you mean?
- E D.P.P.: Not available, my Lord - you must give them some time, at any one time the machines are running for other exhibits. Doctor, you don't expect the Department of Scientific Services
- F to come straightaway when you say so - they are not at your beck and call?

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A A. In other words, I beg the apology of learned counsel. On his statement last Monday which he said if I want to get anything, I can have it very easy.

Chua J.: You are not going into it any further?

B D.P.P.: I am not going into it any further.

Q. Now doctor, when you look at your chart regarding your initial G.C., you said **that** the morphine predominantly with codeine, could you tell us the rough ratio? You have told us that you had drawn up a chart which you in fact produced in the form of D4?

Chua J.: Yes.

Q. Now could you tell us the ratio of the predominance of morphine over codeine?

D A. I would not consider calculating such a ratio, my Lord.

Chua J.: You have not calculated it?

A. I would not consider **the matter**.

Q. You have not calculated it?

A. I have not calculated it in view of the fact that I have no standard for codeine or morphine.

Q. You said what - in view of the fact that I did not have

A. Standard codeine or morphine peak.

F Q. Yes.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A Q. Now doctor, you have mentioned in chief that you have great respect for Mr.Lim except for two points that he did not mention in his report and that is the absence of any moisture and codeine. Now did you accept his analysis?

A. You are referring to which?

B Q. Both his reports regarding the morphine content?

A. I would prefer to do my own and I will not agree or disagree with Mr.Lim.

Chua J.: I would prefer to do my own
analysis - yes.

C Q. Now you heard Mr.Lim did a test in January and he did a further test in July, you accept that fact of course. Now these five months have passed, he found the results to be very close to each other. From this fact does it indicate any decomposition of the substance?

D Chua J.: Does it ...

D.P.P.: Does it indicate any decomposition of the morphine to be more exact, my Lords, if Mr.Lim's figures are true and accurate?

E A.The two results in relative agreement.

Chua J.: Sorry, what did you say, I can't hear you?

D.P.P.: The two results in relative close agreement.

F A. Relative close agreement.

Chua J.: Yes.

WALTER RINTOUL

(Cross-examination by D.F.P.) (contd.)

- A A. You can't say.
- D.P.P.: You can't say - you just say that.
- Chua J.: All right, one can't say there was
 decomposition or not.
- B Q. Doctor, it is a homogeneous powder, we took out some and
 we worked on the law of average and it turned out so close
 figures. I am asking you again, should there be decomposi-
 tion even though the final weight of the products is not
 known? It is a homogeneous mixture and you don't
 expect Mr.Lim to carry out test on the whole product.
- C Would you just give me an answer, doctor - should there be
 or should there be no decomposition bearing in mind that
 5½ months have elapsed?
- Chua J.: Yes.
- D A. I cannot answer this problem till
 I have investigated the matter
 personally, my Lord.
- Q. Did you try to investigate when you first embarked on your
 test?
- E A. No, my Lord, but I shall endeavour though perhaps without
 success to find out what impurities afterwards.
- D.P.P.: Precisely the point, doctor.
- Chua J.: Yes.
- F Q. That is precisely the point, doctor, you have not carried
 out a test so far to ascertain what the impurities are?
- A. This is correct.

WALTER RINTOUL

(Cross-examination by D.P.P.) (contd.)

A D.P.P.: My Lord, I have one other aspect
 to cross-examine this doctor on.

Chua J.: All right, we will adjourn now.

D.P.P.: Yes, my Lord.

Chua J.: Adjourn to half-past two.

B D.P.P.: May it please you, my Lords.

(Court adjourns at 12.59 p.m. to 2.30 p.m.
12.7.76).

2.35
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L2.1

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Verbatim
Notes

(COURT RESUMES AT 2.35PM ON 12.7.76)

WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A Chua, J: Yes, Mr Loh.

DPP : May it please you, My Lord.

Q Dr Rintoul, since the lunch adjournment, did you ring up your laboratory to see if the GC is ready?

A Yes, My Lord.

B Q And is it ready?

A It is not ready yet, My Lord.

Q Now, Dr, put it this way. During the weekend, was anything done to the GC?

C A It was left purging, as the rest of my staff was on duty at the Race Course.

Q Nobody looked at it for the whole of the weekend?

A On Saturday and Sunday, no, My Lord.

Q Dr, do you agree with me that decomposition of morphine base is different from conversion, decomposition of morphine base is different from conversion?

D A Conversion into what?

Q Conversion of say, codeine into morphine or morphine into something else.

A Codeine could be converted into morphine.

E Q Yes, I know. Is it different, decomposition as opposed to conversion?

A There is a difference between decomposition and conversion.

F Q Decomposition is degradation, a breakdown of the product, a deterioration of the big molecules into smaller molecules, which really means a breakdown of the product of big molecules into smaller molecules, right, Dr?

WALTER RINGOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A A Yes, My Lord.

Q Now, conversion is really a process created by chemical reaction, sparked off by chemical reaction?

A Or by light, phyto-chemistry.

Q How do you spell it?

B A P-h-y-t-o chemistry.

Q Which really means that light creates some form of chemical reaction?

A That's correct, My Lord.

Q Now, Dr, you have mentioned to us that according to the British Pharmacopoeia, 1973, morphine and codeine should, you said, in fact should be protected from light and therefore should be kept in well sealed containers, and from here, the inference from the BP is decomposition would take place. Now, Dr, would decomposition take place under normal circumstances, say, normal room light as opposed to sunlight?

A Yes, My Lord.

Chua, J: Normal room light means electrical light?

A That is the reason, My Lord, why I asked Scientific Services for their standard as my standard is 10, 15 years old and there is no longer pure point.

Q Never mind about that. About your sample, now, Dr, do you agree with me that the effect of light depends, on morphine or codeine, depends on the type of light?

A It would depend -- The rate would depend on the type of light.

WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

- A Chua, J: Rate of what?
DPP : Rate of type of light.
Chua, J: Rate of type of light?
DPP : No, My Lord, rate of decomposition.
- Q Now, by decomposition it means that the morphine loses its
B potency, is that right, Dr?
A That is correct, My Lord.
- Q Now, Dr, assuming that in Jan this year, the morphine
was found to be 60% in pure weight--
Chua, J: 60% in?
C DPP : Pure weight.
Chua, J: Pure weight.
DPP : Yes, pure weight, 60% pure morphine in Jan.
- Q--Then decomposition; it only means that the amount of morphine
would decrease, is that right, Dr? It should then be
D decomposition?
A That would depend, My Lord, on the type of impurities present.
- Q Now, Dr, you are going on to conversion. I don't want to
go to conversion. Now, Dr, I am not going into conversion.
I am still on decomposition, losing its potency, the morphine.
E What I am asking here, should there be decomposition,
decomposition would be to the extent of the decrease in
the amount of morphine over a period of time. Is that
right, Dr?
A Speaking about decomposition, yes, My Lord.

WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

- A Q Now, still on the question of rate of decomposition of the morphine. Now, Dr, you have told us the rate of decomposition would depend on the type of light. Dr, whereas sunlight would have strong effect on morphine, normal room light, electrical light, would have negligible effect, would you agree?
- A My Lord, flourescent light would have more effect than bulb light.
- Q Now, Dr, be it flourescent or bulb light, the effect, as compared with sunlight, will be negligible still.
- C A It will still be present, My Lord.
- Q But at a negligible rate, is that not right, Dr?
- A It still depends, My Lord, on the type of impurities present.
- Q Now we are going into conversion again. I don't want to go into conversion yet. Stick to decomposition, Dr. The effect would be quite negligible?
- D A My Lord, if there is an oxidation factor in the impurities then decomposition would be more rapid.
- Q Now, Dr, whereas the effect of the decomposition is very great if the morphine is placed in open air under sunlight, the effect in a strong room where it is closed all the time, the effect would be negligible?
- E A If it is properly closed, My Lord.
- Q The effect will be even less if the morphine is well sealed in an envelope, even though not a container?
- F A My Lord, the envelope is not air-tight.

WALTER RIMTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A Q But still it is sealed. The effect will be even less.

A The effect will be less.

Q Now, Dr, basing on Mr Lim Han Yong's figures arrived at after analysis, 5½ months apart, would you agree with me there was very little decomposition, if there was any decomposition?

F A According to his results, My Lord, there would seem to be little decomposition.

Q Thank you, Dr. Now, Dr, we go on to the point of conversion. You have told this Court if there is moisture present in the morphine, under certain circumstances, with the impurities being unknown, codeine which is methyl morphine, will lose the methyl, thereby becoming morphine. You have told us this. Dr. what are those conditions which can make such conversion possible, the methyl losing the methyl group and becoming morphine?

C A Mostly alkaline conditions.

Q What do you mean alkaline condition? I am not familiar, Dr. Would you explain to Their Lordships?

A I think we all know what acid is, and the opposite of acid is alkaline.

E DPP : His answer is, we all know what acid is and the opposite of acid is alkaline.

A In the presence of moisture.

Q In the presence of moisture?

A Moisture must be present for this reaction to go forward.

F If moisture is present, then reaction will take place.

WALTER RINTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A Q The alkaline will react with the?

A With the codeine.

Q And the moisture acting as a catalyst?

A As a vehicle.

Chua, J: If moisture is present?

DPP : Then the alkaline will react with the codeine, with
the moisture as a vehicle.

Q To become morphine?

A Yes.

Q So in this case, what you are trying to tell us, alkaline
is one of the impurities.

C

A My Lord, I don't know what the impurities are as yet.

Q No, no, Dr, I am asking you, are you suggesting alkaline
is an impurity?

A It could be an impurity.

D Q It could be an impurity. What I am asking you is for this
process to react, alkaline must be an impurity and the
impurity reacts with the codeine, with moisture as a vehicle
for conversion, right, Dr? Dr, any other conditions?

A Light would accelerate it.

E Q Well, acceleration by light. Any other conditions?

A These are the only ones I can think of, My Lord, offhand.

Q Now, Dr, have you any authority to say so?

A Not with me.

Q You are saying this from your personal knowledge?

F A Yes.

WALTER PIHTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

- A Q Now, Dr, you have told us that codeine is methyl morphine. We are quite clear about that. Do you agree with me that there is an ether linkage which connects the methyl group to the oxygen atom. There is an ether linkage which connects the methyl group to the oxygen atom, do you agree with me?
- A Not entirely.
- Q Now, Dr, when you say not entirely, what do you mean?
- A The methyl group replaces the hydrogen group, replaces the hydrogen atom.
- Q Dr, we are talking about codeine only.
- C A Codeine, yes.
- Q Do you agree with me, there is a bond, there is a strong ether linkage which connects the methyl group to the oxygen atom. Dr, this is my question, I am not talking about any other thing, I am talking about codeine.
- D A May I draw the formula of codeine for you.
- Q Dr, I have got certain-- Dr, I give you certain drawings of--
- Chua, J: Adapted from where?
- DPP : It is a drawing to see whether the doctor agrees.
- In fact, My Lord, it is the formula of codeine and of
- E morphine. It is a drawing, the correct formula, the structure--
- A I have written out a structure.
- Q We see yours then, Dr.
- DPP : My Lord, since the doctor drew it out, we will
- F accept his. I shan't exhibit mine. I have one which is more accurate.

L2.8
12.7.76

Verbatim
notes

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WALTER RIMTOUL

(CROSS-EXAMINATION BY DPP) (ctd)

A Q You are drawing us a structure of codeine?

A One of codeine, one of morphine.

Q We don't want morphine, we want codeine. Would you hand that up to Their Lordships.

Ex No D5 Chua, J: D5. It is written down here, codeine.

D DPP : Yes, My Lord. In fact, it is wrong.

I will have it photostated later, My Lord.

Q One part of the structure has got the words CH^3O - that is the part I am referring to. There is this ether linkage, which gives the methyl group the oxygen atom, right, Dr, CH^3O ?

C

A This is a phenomenic group in which the hydrogen of morphine is replaced by a methyl group.

Q The linkage is CH^3 linked to O, right, Dr?

Chua, J: Linked to?

D

DPP : O, Oxygen. CH^3 is the ether group.

Q Dr, do you agree with me the bond here, the linkage is a very stable linkage?

A I would not agree, My Lord.

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12.7.76

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Q. O.K. you do not agree. Now, do you agree with me that it requires drastic chemical reaction - do you agree that it requires drastic chemical reaction to break this link between the methyl group and the oxygen atom?

A. In a very short space of time, yes, my Lord.

B Chua, J.: It requires-----what?

D.P.P.: Drastic chemical reaction, my Lord, to break the link between the methyl and the oxygen atom.

Q. Doctor, what was your answer?

C A. In a very short space of time, yes.

Q. Now, Doctor, it is almost impossible for conversion under normal circumstances, conversion of codeine into morphine, breaking the link as I have said?

A. Over a period it can happen, my Lord.

D Chua, J.: Conversion of codeine?

D.P.P.: Into morphine, my Lord, under normal circumstances, the Doctor's answer was over a period it can happen.

Q. Now, Doctor, let me produce to you an article---

E D.P.P.: My Lord, the book is known as Organic Chemistry. It is known as Organic Chemistry by Feiser & Feiser, 3rd Edition, my Lord, page 136 and 137.

Chua, J.: We will mark that.

D.P.P.: My Lord, may it be marked prosecution exhibit P.22, my Lords.

F

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

- A Q. Doctor, could you read out the last paragraph of page 136
"Properties of Ether"?
- A. My Lord, may I see this book and see the date of publication.
- Q. You can have the book, it is the 3rd Edition.
- Chua, J.: What year, is it?
- B D.P.P.: My Lord, I believe it is 195—something.
Witness: 1956, my Lord, published.
- Q. Now, Doctor, would you read out "Properties of Ether"?
- A. (Witness reads): "Ethers are inert substances in
C comparison with alcohols, and approach
saturated hydrocarbons in general lack
of pronounced chemical affinity. They
do not react with sodium and are
undamaged by treatment at moderate
D temperatures with strong acids or bases.
Although ethers slowly undergo some
peroxidation on prolonged contact with
air, an ether group in a complex molecule
is resistant to attack by chemical
E oxidizing agents and will survive
oxidation of a double bond or of a
primary or secondary alcoholic group."
- Q. That is enough, Doctor.
- A. My Lord, this paragraph does not refer to codeine. It
refers to phenol.
- F Q. Now, Doctor, let me ask you the question: what you have read
to us would suggest that ether group is not—the ether
linkage cannot be broken so easily, do you agree?
- A. This article, my Lord, does not refer to codeine.
- Q. Now, Doctor, do you agree first with me that this paragraph
G that you have just read would suggest that ether linkage
cannot be so easily broken, would you agree with me?
- A. Generally speaking, that is correct, my Lord.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

- A Q. Right, Doctor, you can go ahead and explain right now, what do you want to explain, Doctor?
- A. This is on a simple phenol not a complicated molecule like codeine.
- Q. You are saying that codeine is a complex—
- B A. Complicated large molecule.
- Q. It is a complicated molecule?
- A. Large molecule but as phenol, as in this paragraph, it is a simple molecule.
- Q. But, Doctor, the paragraph that you've just read out refers
- C to complex molecule, in fact starting from the word "Although ethers slowly undergo some peroxidation on prolonged contact with air an ether group in a complex molecule is resistant to attack by chemical oxidizing agents and will survive oxidation of a double bond or of a primary or secondary
- D alcoholic group" - it refers, in fact, Doctor, to a complex molecule which you have just stated codeine to be.
- A. But the article also says ethers slowly undergo peroxidation
- Q. Right, Doctor, what I am more interested in is that this article suggests that ether cannot be broken up so easily -
- E the ether linkage cannot be broken up so easily, Doctor, that is my point; to break up the ether linkage would require drastic chemical reaction, that is the point.
- A. For a quick result, my Lord.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Q. And this chemical reaction cannot be produced under normal circumstances like the one that you mentioned - alkaline reacting with codeine under the vehicle----under moisture, it cannot be created that easily.

A. This may be a legal opinion, it is not my opinion, my Lord.

B Q. Now, just to make matters very clear then, Doctor, codeine or methyl morphine - codeine or methyl morphine is really the phenolic methyl or ether morphine.

D.P.P.: My Lord, codeine or methyl morphine is really phenolic methyl ether of morphine.

C Q. Is that correct, Doctor, codeine or methyl morphine is phenolic methyl ether of morphine, that is the definition of codeine?

A. I think from a layman's point of view we will accept this.

D Q. Now, Doctor, to give you an example of drastic chemical reaction, now, codeine can be de-methylated to morphine by heating codeine to 220 degrees Centigrade or you call it Celsius - 220 degrees Centigrade - with pyridine hydrochloric

Chua, J.: Pardon?

D.P.P.: Pyridine hydrochloride.

E Q. Doctor, do you agree?

A. I do not disagree.

Q. And my authority for saying so is this-----

Chua, J.: He does not disagree.

D.P.P.: Right, my Lord, I shall skip it.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Q. Now, this surely shows us how drastic the chemical reaction is, Doctor, 220 degrees Centigrade and you must have something added to it, in this case, pyridine hydrochloride?

A. This is for quick results, my Lord.

Q. Now, Doctor, even slow results, how slow?

B Chua, J.: Even---what?

D.P.P.: This is for quick results, his answer, my Lords.

C Q. Now, under normal circumstances without any interference from human beings, can you really tell us that codeine can be reacted under normal circumstances to become morphine? You have heard the conditions, normal storage condition, normal light, be it fluorescent or bulb light, no third party intervention, can there be such a chemical reaction?

A. I believe such a chemical reaction can take place, my Lord.

D Q. You believe such a chemical reaction can take place. Why do you believe so?

A. Slowly.

Q. Slowly?

E D.P.P.: I asked him why can it take place and his answer is "slowly", my Lord.

A. And the B.P. again warns that codeine should be kept in well-closed container protected from light for that purpose.

Q. Now, Doctor, can there be reaction to such a great extent as to create 46.38 grams of morphine?

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

A Chua, J.: Can there be——?

D.P.P.: Can there be reaction, my Lord, even though slowly, to such a great extent as to create 46.38 grams of morphine.

Q. Pure morphine here, Doctor.

B A. My Lord, I would like to express my opinion on this when I've finished my own quantitation.

Q. No, Doctor, please express an opinion now.

Chua, J.: "I would like to express an opinion after——?"

A. My complete quantitation.

C Q. Pardon?

A. Complete quantitation.

Q. Can you express an opinion now?

Chua, J.: Mr. Loh, please.

D.P.P.: I am sorry, my Lord.

D Chua, J.: You are not prepared now?

A. It will be a matter of opinion, my Lord, not a matter of facts. I think we are more concerned with facts than opinion.

Q. Now, Doctor, this is precisely what you are doing, you do not
E know how much moisture is in the substance, you do not know what impurities are there and yet you venture an opinion that there could be chemical reaction, and this is precisely what you are doing, speculating, Doctor.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

- A. My Lord, I notice from my own pure standards which have been here for 15 to 20 years—~~decomposition~~—and as such I usually ask the Department of Scientific Services who have more pure samples, to get them more conveniently, for their pure standards rather than use my own ones and they have been most co-operative.
- Q. Yes, Doctor, you are not answering me. I am saying that you are speculating because you do not know the moisture content and the type of impurities in the morphine hydrochloride. You are speculating yourself that there could be a chemical reaction.
- A. I don't think at this point anyone knows what the impurities and the moisture content really is. It has not been stated in Court up till now.
- Q. Now, Doctor, alkaline reacting in morphine, how much alkaline is it? Does it require for it to react with codeine, how much?
- A. I may have to define the term but if the P.H. were around alkalinity of 8.5—
- Q. What is P.H.?
- A. The P.H. is a scale from zero to 14: 7 being neutral; below 7 is acid; 7 to 14 is alkaline and the base extraction method for morphine is between a P.H. of 8.5 and 9.
- Q. In simple layman's language?
- A. I am trying to put it as simple as I can.

WALTER RINTOUL

(Cross-examination by D.P.F.)(cont'd.)

A Q. How much alkaline is required?

A. Alkaline to a P.H. of 8.5 or more.

Q. What is P.H.?

A. It is a logarithmic scale of-----

Chua, J.: How much alkaline?

B D.P.F.: My Lord, only the Doctor can-----

A. P.H. is a logarithmic scale.

Chua, J.: How much alkaline is required? You gave some figure just now.

A. 8.5 and upwards, my Lord.

C Q. Now, Doctor, I do not think you need go far into that but I thought I understand the exhibit to be acidic because it is morphine hydrochloride. So if at all there should be any alkaline it would be negligible because the substance is acidic in nature, isn't that so?

D A. My Lord, the amount of hydrochloride present, as far as I know, has not yet been established - the amount of hydrochloride acid present has not yet been established.

Q. Doctor, aqueous is really watery solution of this substance, it is acidic and not alkaline, isn't it?

E A. If it is pure.

Q. Right, Doctor, in this case is more acidic than alkaline?

A. I have not tested it and Mr. Lim has not given evidence whether it is acidic or alkaline as far as I know.

WALTER RINTOUL

(Cross-examination by D.P.F.)(cont'd.)

A Q. Doctor, you seem to be so interested in moisture and impurities, why haven't you earlier go on and tested it -- so simple a test to see whether it is acidic or alkaline?

A. So far, my Lord, I have not yet had the time -- that is item No. 1----

B Q. You haven't had the time?

A. Secondly, my Lord, I think the most important factor in this case is how much morphine is actually present and that is my principal concern of finding that factor.

Chua, J.: Yes.

C Q. Doctor, that would appear to be your main preoccupation but at the same time you mentioned quite a lot of things about moisture and impurities, hence you make me ask you this question then. Now, if Mr. Lim's figures, 5½ months apart, are true and accurate do you agree that there has been little or no conversion during these 5½ months, is that right,
D Doctor?

Chua, J.: Have you asked him before?

D.P.F.: My Lord, that is in relation to decomposition, now is conversion.

E A. My Lord, the question was asked "if" and therefore the answer would be yes.

Q. All right, you can answer yes; Doctor, I am not trying to trap you, I am basing on facts and figures here.

Chua, J.: Yes.

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

- A Q. Now, Doctor, you have mentioned to us codeine can be converted to morphine, now I am going one step further -- morphine can be converted into heroine by chemical reaction, again is that right?
- A. Very easily.
- B Chua, J.: Heroine?
- D.P.P.: Yes, my Lord, morphine into heroine.
- Chua, J.: And the answer is?
- D.P.P.: Answer: Very easily.
- A. By chemical reaction.
- C Q. Yes, I have said that by chemical reaction. Now, Doctor, all these 3 substances that I have just mentioned they are all derivatives of opium?
- Chua, J.: Codeine----?
- D.P.P.: Codeine, morphine, heroine, they are all derivatives of opium.
- D A. There are 20 alkaloids or drugs in opium, my Lord.
- Chua, J.: Pardon? Yes, they are derivatives?
- D.P.P.: I am sorry, my Lord, I have asked the wrong question.
- E Q. Codeine and morphine, codeine and heroine are derivatives of morphine, is that not right, Doctor?
- A. Heroine can be made into a derivative of morphine.
- Q. And as much as codeine can be also?
- A. Codeine can be converted, morphine can be converted into codeine by dia-methyl, by a special chemical reagent.
- F

WALTER RINTOUL

(Cross-examination by D.P.P.)(cont'd.)

- A Q. My question is this: codeine and heroine are derivatives of morphine?
- A. That is correct.
- Q. That is correct, that is what I want, and morphine comes from opium?
- B A. That is correct, the main source.
- Q. The main source, the root of all evil. Now, Doctor, do you agree with me that it does not matter what is the source of morphine?
- A. Can you speak up?
- C Q. Do you agree with me that it does not matter whatever may be the source of morphine, whether it comes direct from opium or whether it comes from a chemical reaction from codeine, it does not matter?
- A. Whether it is a synthetic or natural it makes no difference.
- D Q. Do you agree?
- A. I would agree.
- Q. Do you agree with me that it matters not where morphine comes from
- D.P.P.: My Lord, whether synthetic or natural.
- E Chua, J.: Yes.
- Q. And Doctor, just one step further: I say this because it is not spelt out in the Misuse of Drugs Act, that if a person has possession of morphine which comes by way of chemical reaction from codeine he is exempted from the Act, the Act does not say so.
- F A. I am not a lawyer, my Lord, so I do not know the answer.

A D.P.P.: My Lord, I have cross-examined Dr. Rintoul enough.

Chua, J.: Re-examination?

Mr. Chan: Yes, just a few questions, my Lord.

(Re-examination by Mr. Chan)

Q. Now, you said in the cross-examination you conducted

B the quantitative test some time this year in connection
with another case coming up in the High Court: can
you remember roughly when you conducted this test?

A. My recollection, my Lord, would be in the month of June.

Q. In the month of June?

C A. Perhaps, Mr. Lim, is that correct?--- Mr. Lim, in
the month of June?

Chua, J.: No, No, you don't ask---

A. My recollection is the month of June.

Q. This year, is it?

D A. This year.

Q. That was the quantitative test?

A. Quantitative gas chromatograph test.

Q. Now, Dr. Rintoul, you did say in the cross-examination
that in the T.L.C. method used by you the product was

E more restricted, was more restricted in an area,
whereas the method, P.C. method, used by, that is
the paper chromatograph, used by Mr. Lim was not
restricted at all, the P.C. method used by Mr. Lim
was not restricted at all. Now what significance

WALTER RINTOUL

(Re-examination by Mr. Chan) (contd.)

A Q.(ctd.) was this fact, what significance was this fact?

What was the significance of this?

A. I want to answer this question simply to keep matters as simple as possible. In thin layer chromatography like something in a straight line---

B Chua, J.: Like something in a---

A. It's like something in a straight line - whereas in paper chromatography you can wander, you can wander, you don't have to keep within the limits of the two lines, and therefore you have a concentration within the two lines of the two drugs in which we are interested.

C

Q. These two drugs, you mean morphine and codeine?

A. In a concentrated form.

D Q. Yes?

A. And thereby see the density of the reaction.

Chua, J.: Whereby what---

A. ---whereby we can see the density of the colour reaction.

E Q. Will this in a way achieve greater accuracy because you can see the density of the colour reaction?

A. That is correct, my Lord.

Q. Mr. Chan: My Lord, his answer is that you achieve greater accuracy because you can see the density of the colour reaction.

F

WALTER RINTOUL

(Re-examination by Mr. Chan) (contd.)

A Witness: If I may add, my Lord: similarly T.L.C.
has more or less taken over from paper
chromotography.

Q. Now you also told the Court that the T.L.C. method used
by you was more up-to-date when compared with the P.C.

B method used by Mr. Lim?

A. I have just answered that question, my Lord.

Mr. Chan: My Lord, I think this question I think I
can withdraw because he did mention
greater accuracy.

C Q. Now you did tell the Court that on the 1st July, 1976,
when you went to the Department of Scientific Services,
when they took out the sealed envelope it was not a
a well sealed container. Do you remember you said
that in the cross-examination?

D A. I would not describe it, my Lord, as a product
covered in a well closed container, protected from
light, as mentioned in the B.P.

Q. Now we have talked a lot about impurity. How will
the question of impurity affect the results of your
E analysis?

A. The answer to that question, my Lord, is unpredictable,
not knowing what impurity exists.

Q. Am I correct to say that this will affect the
certainty, the question of impurity will affect the
F certainty of an analysis?

WALTER RINTOUL

(Re-examination by Mr. Chan) (contd.)

A Q. Now in our case here will the question of impurity
affect the ratio of codeine and morphine? Will
this question of impurity affect the question of
ratio between codeine and morphine?

A. That again, my Lord, depends on knowing the type of
B impurity present.

Q. Alright, fair enough. So in other words, certain
kinds of impurity may affect the ratio of codeine and
morphine, you see, it depends on what type of
impurity. So certain types of impurity may affect
C the type of—

A. May, may.

Mr. Chan: My Lord, the answer is, it may.

Q. How is it up to now you still have not conducted any
colour nitrate test?

D D.P.P.: He has given adequate explanation.

Mr. Chan: My Lord, in fact it is mentioned I think
in the cross-examination—

Chua, J.: If I remember—

D.P.P.: My learned friend asked him why he has not,
E up to this day.

Chua, J.: And he also gave the reason.

D.P.P.: He kept on mentioning, for the sake of
accuracy he prefers not to.

Mr. Chan: Alright, in this case I think I withdraw
F this question.

WALTER RINTOUL

(Re-examination by Mr. Chan) (contd.)

- A Q. My next question is this: why is it for or up to date you have not conducted any test to find out whether there is any impurity?
- A. My Lord, pure codeine hydrochloride and pure morphine hydrochloride would be pure white. As far as I understand from evidence in this Court, and these two blocks were not of that particular colour, there must be some type of impurity present. It will have to be investigated - it may merely be a binding agent.
- B Q. Alright, Doctor, I think we can stop. Now can I ask you this question: as far as we are concerned what is the best time, according to you, what is the best time to conduct any test to find out whether there is any impurity, what is the best time to do it?
- C A. At the time of the seizure, my Lord.
- D Q. Alright, assuming there was no such test carried out at the time of seizure, what is, can you think of any best time where you can--- Assuming there was no such test conducted at the date of seizure, what is the next best time to conduct this test?
- E A. As soon as possible.
- D'Cotta: At a suitable opportunity!
- Q. Alright, can I put it this way: is it correct to say that it is better to wait until the results of the quantitative test are known, then you should conduct such a test?
- F

WALTER RINTOUL

(Re-examination by Mr. Chan) (contd.)

A D.P.P.: My Lord, the Witness has answered his question adequately. Why is my learned friend putting it round and round?

Chua, J.: You see, the best time is the time of seizure.

B Mr. Chan: Alright, my Lord, I don't think I will proceed on this point.

Q. Now, Dr. Rintoul, what do you mean just now when you answered my learned friend in his cross-examination, you said speaking on decomposition, "There could be decrease of morphine in January 1976," if my notes are correct?— Or perhaps my learned friend can correct me? Just now did you say, speaking on decomposition, it would be correct to say that there might be decrease of morphine in January, in January, because—

D A. I said there might have been a decrease in moisture since January.

Mr. Chan: Moisture, not morphine. My Lord, I think the witness is saying what he meant: there might be a decrease of moisture in January as distinct from July, my Lord.

E Q. Now, Dr. Rintoul, just one last point: what actually do you mean just now when you said from a layman's point of view you agree with my learned friend that codeine or methyl morphine is phenolic methyl ether of morphine? You mean that is so from a layman's point of view?

A. That's right.

WALTER RINTOUL

(Re-examination by Mr. Chan) (contd.)

A Q. In other words, from a professional point of view----

A. A chemist would really call it methyl morphine.

Q. Can you repeat?

A. A chemist would really call it methyl morphine.

Q. You mean instead of calling it----?

B A. I think you would not want to complicate the matter further.

Mr. Chan: My Lord, in that case, that's all in re-examination.

Chua, J.: Thank you, Dr. Rintoul.

C Witness: My Lord, may I have your permission to leave the Court, subject to recall?

Chua, J.: Yes, subject to recall.

Witness: Thank you, my Lord.

D Mr. Chan: I think, may I also point out that I understand from Dr. Rintoul that at the moment---- I don't know how soon can we know the final result?

Chua, J.: I think he said in his report here, he says early this week.

E Witness: I said last week, I hoped by Friday. I am hoping, my Lord, that the columns work soon. On the other hand, if I can use the instrument of Scientific Services, I can go there and spend half-a-day there.

F I do not wish to hold back this case.

WALTER RINTOUL

- A Chua, J.: But if you are to use equipment—
Witness: I beg your pardon?— We have the same equipment, my Lord, we have exactly the same equipment.
- Chua, J.: I know, but if you are to use your own
B equipment, how long would it take?
Witness: It has taken longer than expected so far, my Lord.
- Chua, J.: But Counsel for the Accused is asking when?
Mr. Chan: When is the next hearing of the case?
- C Chua, J.: We will continue hearing - you have not made any application? You have to make an application and we will have to hear your application and then decide.
Mr. Chan: I make application to adjourn this case,
D subject to—
Chua, J.: No, No, you were asking him how long Dr. Rintoul will take over his quantitative test using his own equipment?
Witness: I would not like to make a promise, my Lord,
E and not keep it.
Chua, J.: So you are uncertain?
Witness: The instrument is being purged day and night to expedite as fast as possible a decision with accuracy.

WALTER RINTOUI

A Chua, J.: So you can't say, Mr. Chan?

Mr. Chan: Yes, because, my Lord, my difficulty is this: I am ready to proceed but waiting for the full result of the analysis, and I am in no position—

B Chua, J.: Allright, you make an application and we will hear you, you give the reasons.

Mr. Chan: My Lord, may—

Chua, J.: Dr. Rintoul wants to be released.

(Witness steps down and is released.)

C Mr. Chan: My Lord, may I make an application to adjourn this case to whatever time the Court thinks fit because at the time now we are waiting for the full result. Can I make an application to whatever time—

D Chua, J.: What do you mean by whatever time? Are you applying to adjourn to such time as Dr. Rintoul is able to release his results of a quantitative test, is that your application?

Mr. Chan: Yes, that is correct, my Lord, much obliged.

E Chua, J.: Is that your only reason? What are the other reasons? There is no other reason?

Mr. Chan: Because, my Lord, once the full results are known—

F Chua, J.: Are you hoping to establish that it is going to be less than 30 grams or what? What is it you are trying to establish?

A Mr. Chan: My Lord, it is very difficult for me to say
because---

Chua, J.: This offence carries the death penalty only
if the amount of morphine is more than 30 grams?

D.P.P.: My Lord, 30 is the limit.

B Chua, J.: Are you making the point that there is a
possibility there may be less than 30 grams? I
ask this for you to make your point, Mr. Chan.

Mr. Chan: Yes, I make this application.

C Chua, J.: You must satisfy us. From the evidence of
your expert, is there a possibility---

Mr. Chan: Because, my Lord, Dr. Rintoul in the course of
cross-examination has answered my learned friend
he will answer the question whether the decomposi-
tion or chemical reduction can make it less than
D 43.35 and his answer is, "I will give my---

Chua, J.: Yes, he has given an answer.

Mr. Chan: Even Dr. Rintoul, he will be able to tell---

E Chua, J.: So you make an application for adjournment just
to wait for the result of the test to be carried out
by your expert? What are you hoping to establish
to the satisfaction of the Court, that there are less
than 30 grams of morphine?

Mr. Chan: Yes, if I may say so, my Lord.

Chua, J.: You may say so.

F Mr. Chan: Yes, my Lord, I have.

Chua, J.: It occurred to you, that is your point only when
I mentioned that.

- A Mr. Chan: No, in fact, my Lord, just now I was trying to say— I think it is not proper for me to say—
- Chua, J.: There is nothing in the evidence of Dr. Rintoul, he has not given any preliminary— there is nothing to suggest there is a possibility - or even that
- B there is a doubt in this case - that there is a possibility or probability that there are less than 30 grams of morphine in this case. No evidence of that at all?

Mr. Chan: I know, my Lord, I have to be more precise.

- C Chua, J.: No point being precise. The point is, if you are asking for adjournment there must be some grounds for it. Just because your chemist is not ready with his report I think is not good grounds. You must have some basis on which you make this
- D application?

Mr. Chan: My Lord, my basis is this: my client is facing a very serious offence and—

Chua, J.: I don't think that is very ^{good} ground? I don't know the purpose of your calling this chemist?

- E All I can see is that the only purpose is to try and establish that there is a possibility or probability that there are less than 30 grams.

Mr. Chan: My Lord, that is what we are trying to do.

Chua, J.: Yes, I did point out that ⁱⁿ the evidence of

- F Dr. Rintoul he has not given us any figures. He says his first preliminary test shows 50/50, and then the G.C. shows something else.

- A Mr. Chan: My Lord, I was under the impression—
Chua, J.: First of all he says 50/50; codeine and
morphine, and then the G.C. shows there is more
morphine than codeine.
- Mr. Chan: But, my Lord, since the preliminary report
B was tendered as D.2, so, my Lord, I was thinking that
because of that D.2 is subject to full results?
Chua, J.: What have you got to say to this, Mr. Loh?
D.P.P.: My Lord, I envisaged that my learned friend
will be doing this. In fact, I have always been
C pressing him, my Lord, to let me know when it is
ready and in fact he made the report so secret—
Mr. Chan: No, No. My Lord, that is not true! In fact,
the report is dated 9th of July - I got it on
the 9th of July.
- D D.P.P.: I don't think there is much merit in this
application for adjournment.
Mr. Chan: My Lord, if I may—
Chua, J.: Mr. Chan, I am afraid we will have to refuse
your application for adjournment. Yes, have you
E got any other witness?
Mr. Chan: My Lord, in fact I have informed the Court on
the 5th of July—
Chua, J.: No, Mr. Chan, we have made our ruling.
Mr. Chan: I have no other witness, my Lord.

A Chua, J.: Yes, alright then.

You wish to make a submission?

Mr. Chan: I hope your Lordship will grant me a little time to prepare my submission. In fact, if you want me to make it now, I hope you will give me a short adjournment?

B

Chua, J.: Very well, we will adjourn till tomorrow at half-past 10.

Dr. Rintoul is excused. He need not come back.

(Court adjourns at 3.55 p.m., 12.7.76 to
10.30 a.m. on 13th July, 1976.)

Seah fr. John
@ 10.30 a.m.
13.7.76.

517

Verbatim
Notes

10.30 a.m. Hearing resumes.
13.7.76.

Chua J.: Yes, that is your case, Mr.Chan?

Mr.Chan: Yes, my Lords.

Chua J.: Yes, Mr.Chan.

Closing Addresses.

Mr. Thomas Chan	--	10.30 a.m. to 11.00 a.m.
D.P.P.	--	11.00 a.m. to 11.18 a.m.

(ctd.)

FINDINGS OF THE COURT

Chua, J:

A Will you ask the Accused to stand up?

Will you tell the Accused that we find that he knew he was carrying morphine and we also find that the Prosecution has proved its case beyond reasonable doubt. We find him guilty of the charge and he is convicted.

B Does he wish to say anything before sentence is passed?

Accused: Nothing to say.

Will you tell the Accused there is only one sentence the Court can pass in this case.

(SILENCE IS CALLED)

C (DEATH SENTENCE IS PASSED)

DPP : My Lord, exhibits to the Customs Dept?

Chua, J: Exhibits to the Customs Dept.

All right, Court is adjourned.

(COURT ADJOURNS AT 11.20am ON 13.7.76)

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Criminal Case No. 10 of 1976

Public Prosecutor

vs

Teo Hook Seng

Loh Lin Kok (Miss Koh Lay Wah

with him) for the Public Prosecutor

Thomas Chan for the Accused.

Coram: Chua J
D'Cotta J

GROUNDS OF DECISION

A The accused was charged before us as follows :-

"That you, Teo Hook Seng, are hereby charged that you on or about the 9th day of January 1976 at about 2.45 p.m. at Woodlands Customs Checkpoint, Singapore, did unlawfully traffic in a controlled drug specified in Class A of Part I of the First Schedule of the Misuse of Drugs Act, 1973 (No.5 of 1973) to wit, 46.38 grammes of morphine, and you have thereby committed an offence under section 3(a) of the Misuse of Drugs Act, 1973, punishable under section 29 of the aforesaid Act, 1973."

B The accused claimed trial. At the conclusion of the trial the accused was convicted and sentenced to death against which conviction and sentence he now appeals.

The facts of the case are as follows :-

At...

C.C.10/76

A At 2.45 p.m. on the 9th January 1976, a taxi bearing registration No.SH4481B drove into the Singapore Woodlands Customs Checkpoint Car Bay No.10 from Johore Bahru with five occupants comprising the driver, a Chinese lady with her child who sat next to the driver, three male Chinese who sat in the rear one of whom is the accused who sat immediately behind the driver next to the offside rear door.

B In accordance with the usual practice, officers of the Customs and Excise Department approached this taxi for a routine check. Customs Officer 1777, one Abbas bin Hayat (P.W.2), who was on duty at that time, approached this taxi while his colleague, Senior Customs Officer 1000, one Mohamed Hashim, went to the other side of the taxi where he asked the passengers in general whether they had anything to declare. Customs Officer Abbas then asked the taxi driver to open the boot of the taxi for inspection. After inspecting the boot and found nothing, he went and opened therear offside door of the taxi and asked the accused in Malay whether he had anything to declare. The accused replied in the negative.

C Customs Officer Abbas then asked the accused to raise the leg portion of his bell-bottom trousers. The accused lifted the bottom portion of his right trousers in a very swift action and as he was about to let it down, Customs

Officer.

C.C. 10/76

A Officer Abbas saw something bulging from inside the
sock of the accused's right leg. He immediately
pulled down the sock and extracted a small newspaper
wrapping. He took the wrapping and asked the accused
in Malay what it was. The accused replied in Malay
that it was medicine for the stomach. Customs Officer
Abbas then opened the wrapping in the presence of the
B accused, the occupants of the taxi and his colleague,
Sr. Customs Officer Mohamed Hashim and found therein
two small blocks of brownish substance wrapped in
cellophane paper. Suspecting the contents to be drugs,
Customs Officer Abbas immediately took the accused,
together with the two blocks of brownish substance, to
see his superior officer, one Ag. Supt. Lawrence Doray
C in his office at the Customs Checkpoint. Lawrence
Doray suspected the accused was trafficking in drugs
and arrested him. He weighed the two blocks in the
presence of the accused and found them to total about
75 grammes.

At 5.35 p.m. on the same day, Lawrence Doray
charged the accused with an offence under section 3(a)
D of the Misuse of Drugs Act 1973 (No.5 of 1973). The
charge was read and explained to the accused by the
Interpreter one Lee Seat Chung (P.W.6) of the Customs
Department. After the charge was read, explained

and...

C.C. 10/76

A and understood by the accused, Lawrence Doray then administered the usual caution in accordance with Schedule "E" of the Criminal Procedure Code. The accused thereupon gave a statement to Lawrence Doray. The accused was subsequently charged in court on the 10th January 1976.

B The two blocks were subsequently examined and analysed by the Government Chemist, Lim Han Yong (P.W.7) Mr. Lim in evidence said that he found the two blocks to contain morphine hydrochloride and that morphine hydrochloride is a salt of morphine and can be obtained through reacting morphine with hydrochloric acid. The two blocks weighed approximately 75.97 grammes and after analysis the Chemist ascertained that there were C 46.38 grammes of morphine in its pure form. His findings are reported in his two reports - Exhibits P13 and P14.

Mr. Lim conducted three groups of tests on the mixture of homogenous powder which was the result of the pulverization of the two blocks. The three groups were :-

- D
- 1) preliminary screening by way of colour tests and salt tests;
 - 2) confirmation of identity by way of paper chromatography; and

3)....

C.C.10/76

A 3) quantitation and further identification
 involving the colour nitrite test and
 gas chromatography.

From the above, Mr. Lim was able to conclude that the morphine hydrochloride had a morphine content of 60.2% weight by weight in relation to block A1 (Exhibit P9) and a morphine content of 63.3% weight by weight in
B relation to block A2 (Exhibit P10). The total morphine contents of these two blocks were 22.17 grammes and 24.21 grammes respectively totalling 46.38 grammes. In further tests conducted by Mr. Lim some time on the 1st July 1976, as a result of the request by the Defence to have their own Chemist examine a sample of
C powder, Mr. Lim came up with some variable results but very near those earlier results he had obtained. On this occasion he found the morphine content of Exhibit P9 (Block A1) to be 59.2% weight by weight and Exhibit P10 (Block A2) to be 63.6% weight by weight. According to him the variable results were within the statistical law of probabilities. Mr. Lim also found in his
D earlier tests conducted some time after the 10th January 1976 the presence of codeine in a ratio of 6:1 morphine to codeine in the morphine hydrochloride giving it a respective percentage of 10.8% weight by weight and 8.5% weight by weight in respect of Blocks A1 and A2. In cross-examination Mr. Lim said that

codeine..

C.C.10/76

A codeine does not just convert itself into morphine in ordinary circumstances. Conversion will only be possible by way of chemical reaction with the application of a reagent.

Counsel for the accused challenged the admissibility of the accused's cautioned statement. The accused said that when the interpreter mentioned the word "morphine" to him he was shocked and lost his sense of understanding and he told the interpreter that he was confused and remained silent. The interpreter then told him that he must say something as the Inspector, (referring to Lawrence Doray) wanted to take a statement from him and he must tell the Inspector what he knew. He replied he had nothing to say but the interpreter said he must say something and that he could say anything he liked. At that time he was in a confused state of mind so he gave a statement at random and could not recollect what he said.

It was submitted on behalf of the accused that the cautioned statement was not admissible on two grounds (a) that it was not made voluntarily and (b) that Lee Seat Chung (P.W.6) the interpreter was not a proper person to be the interpreter as he was an interested party and was likely to be biased as he

was...

C.C.10/76

A was interested to see that the Customs Department, where he worked, succeeded in the prosecution. We rejected both submissions.

We were satisfied after hearing the evidence before us that the accused understood the charge and that the cautioned statement was a free and voluntary statement given by the accused and that the accused
 B knew what he was saying when he made the cautioned statement. We, therefore, admitted the cautioned statement (Ex.P8).

The cautioned statement of the accused reads as follows :-

"I admit that I have committed an offence for trafficking in about 75 grammes of morphine. I wish to plead for leniency because this is my first offence, and also I have to support my younger brothers and sisters. That is all I have to say."

C The accused was charged under section 3(a) of the Misuse of Drugs Act, 1973 that he did unlawfully traffic in a controlled drug i.e. morphine. "Traffic" as defined in section 2 of the said Act means --

"(a) to sell, give, administer, transport, send, deliver or distribute;
 (b)"

By section 15 of the said Act, "any person who is

proved...

C.C.10/76

A proved or presumed to have had in his possession more than --

(a)

(b) 3 grammes of morphine contained in any controlled drug;

shall, until the contrary is proved, be presumed to have had such controlled drug in his possession for the purpose of trafficking therein".

B

Section 16(1) of the said Act also provides that "any person who is proved to have had in his possession or custody or under his control --

(a) anything containing a controlled drug;

(b)

shall, until the contrary is proved, be presumed to have had such drug in his possession."

C

From the evidence there is no doubt whatever that the accused had the morphine in his possession at 2.45 p.m. on the 9th January, 1976, at the Singapore Woodlands Customs Checkpoint and that possession in the circumstances attracted the presumptions that we have set out above. The burden of proof was, therefore, on the accused to rebut the presumption that he had the morphine in his possession for the purpose of trafficking therein. He has to prove on the balance of probabilities

D

to...

C.C.10/76

A to rebut the presumption and not by just casting a doubt on the prosecution's case.

Even if the presumptions do not arise the evidence adduced by the prosecution, in particular the cautioned statement of the accused, established a prima facie case against the accused that he did unlawfully traffic the stated amount of morphine in the charge.

B We were satisfied that the prosecution had made out a case against the accused which, if unrebutted, would warrant his conviction and therefore called upon him for his defence. The accused elected to give his evidence on oath.

The accused called one witness, Dr. Walter Rintoul, a chemist by profession who was attached to the Department of Chemistry as a Government Chemist from 1949 to 1953 and who is now a director of the Singapore Testing Laboratory at Bukit Timah Road as well as the official analyst to the Malayan Racing Association. Dr. Rintoul was given samples of the two blocks of brownish substance by the Government Chemist Lim Han Yong on the 1st July 1976 marked as A1 and A2. On his return to his laboratory he examined these two samples qualitatively by Thin Layer Chromatography test (T.L.C.) and by Gas Chromatography test (G.C.). The results of these

tests..

C.C.10/76

A tests showed the presence of morphine and codeine.

Dr. Rintoul gave evidence on the afternoon of Friday the 9th July, 1976, and he produced a report (Exhibit D2) which he had made out that very morning.

His report reads :-

"On return to my laboratory I examined these 2 exhibits qualitatively by T.L.C. and G.C. The results of these analysis showed the presence of morphine and codeine.

On 2nd July my assistant Analyst and his Laboratory Assistant were in Penang to undertake their duties in analysing horse urines for dope.

On Sunday the 4th July 10:30 a.m. Mr. Thomas Chan visited my house for consultation.

On Monday afternoon 5th July my assistant analyst and my laboratory assistant returned from Penang and the G.C. turned on ready for use the following day.

On Tuesday 6th July the G.C. was used to do quantitative work, but to our dismay it was noticed that the packed columns were being blocked and therefore had to be repacked and purged. This was done on the same afternoon.

On Wednesday 7th July T.L.C. was repeated and the results showed, and photographs of the results taken by me. These results would apparently show codeine to be present in large quantity. The word apparent is used as codeine may be more sensitive to the spray reagent than morphine. The G.C. was also tried but the columns were not purged sufficiently for quantitative analysis.

Morning and afternoon of each day till yesterday evening 8th July the columns are not sufficiently purged, in spite of the fact that the instrument is allowed to run day and night. However, yesterday evening the columns showed improvement and

G.C.10/76

"Morning and afternoon of each day till yesterday evening 8th July the columns are not sufficiently purged, in spite of the fact that the instrument is allowed to run day and night. However yesterday evening the columns showed improvement and quantitative results may be possible by early next week. The initial G.C. results would apparently show morphine to be present in greater quantity than codeine. The word apparent is used as time did not permit us to run codeine and morphine standards for comparison. Finally only quantitation can arrive at the true result and this will be done as soon as the columns are completely purged."

- A. He said in evidence that the results of T.L.C. test made on the 7th July would apparently show codeine to be present in large quantity and from his preliminary experiment the codeine and morphine content of A1 and A2 would be approximately 50 - 50. He said he would have expected less codeine to be present and this preliminary T.L.C. experiment surprised him at the amount of
- B codeine present. However, in the G.C. test the initial results would apparently show that morphine to be present in greater quantity than codeine and this would apparently contradict the results of the T.L.C. test first carried out by him. He said that only quantitation could arrive at the true result.

Dr. Rintoul..

C.C.10/76

A Dr. Rintoul in his report and in his evidence said
that he was unable to complete his quantitative test
which he commenced on the 6th July, 1976, as his
machine in the laboratory was not functioning properly
and steps were immediately taken to remedy it. However
up to the 9th July he had not been able to purge
sufficiently the columns of the machine which were
B blocked for quantitative analysis and he said that
he hoped to arrive at the result of his quantitative
test within one week. On Monday afternoon the 12th
July, Dr. Rintoul said that the G.C. was still not
ready. The G.C. was left purging during the weekend
as his staff was on duty at the race course. Dr.
Rintoul was not able to give a date when he would be
C in the position to furnish the result of the quantitative
test.

At the close of Dr. Rintoul's evidence on the
12th July, counsel for the defence applied for an
ajournment of the case to a date when Dr. Rintoul
would be able to furnish the result of his quantitative
test. We considered the application carefully and
D rejected it. We regret to say that Dr. Rintoul was
of no assistance to the Court. The results of the
preliminary tests carried out by him were most
unsatisfactory. He had not challenged or repudiated

Mr. Lim's...

C.C.10/76

A Mr. Lim's figures. Mr. Lim, within a period of six months, had carried out two tests and obtained almost identical results. Dr. Rintoul's evidence failed to throw any doubt whatever on the accuracy of Mr. Lim's analysis. There was no suggestion by the defence that the quantitative analysis of Mr. Lim was so inaccurate that there was a possibility or probability
B that the quantitative analysis of Dr. Rintoul might prove that the weight of morphine to be less than 30 grammes. We accepted the results obtained by Mr. Lim. For these reasons the application for adjournment was refused.

As we have said the accused gave evidence on oath. He admitted that he was seated in the rear offside
C seat of the taxi and that on examining him, Customs Officer Abbas took out a parcel from his right sock. He said that this parcel was given to him by a friend called Loh Seng, a workmate of his in Singapore; he had met Loh Seng earlier that morning in Johore Bahru and Loh Seng asked him if he would deliver this parcel to a friend called Ah Kwang in Singapore who
D also was a workmate of theirs. Accused said he knew Loh Seng reasonably well. When giving him the parcel, accused said Loh Seng told him that it was medicine
for...

C.C.10/76

A for the stomach and told him to hide the parcel in his socks but if it was detected he would have to pay duty on it. Loh Seng then gave him \$20 and told him that if duty exceeded that amount he should pay the amount of the duty and recover the difference from Loh Seng later on. Furthermore, the accused told the court that he found it difficult to understand

B Customs Officer Abbas when being questioned by him in Malay. We had no doubt in our minds that the persons Loh Seng and Ah Kwang, especially Loh Seng, were nothing but fictitious characters concocted by the accused in the hope of establishing his allegation that Loh Seng was to be blamed for his possession of the morphine and that he carried the morphine at Loh Seng's request and did not know its contents.

C Under cross-examination, the accused prevaricated even on minor issues. He said he did not understand Customs Officer Abbas when he was being interrogated in Malay by him. Nevertheless, Tan Ah Moi (P.W.4) the lady who sat next to the driver, said in evidence that she turned her head and heard and saw the conversation that took place between the accused and

D Customs Officer Abbas in Malay. We had no reason whatever to doubt her evidence; she was an independent witness...

C.C.10/76

A witness and we accepted her evidence as she was a witness of truth. We rejected the accused's evidence. He was not a witness of truth. We were convinced that the accused knew that the parcel he was carrying was morphine. The accused failed to rebut the presumption that he had the morphine in his possession for the purpose of trafficking therein. We found that the accused did unlawfully traffic the morphine. In fact in his own cautioned statement, which was admitted in evidence, the accused himself admitted that he trafficked the morphine and asked for leniency. We found that what he said in his statement was true. We were satisfied beyond a reasonable doubt of the guilt of the accused and convicted him as charged and passed the sentence imposed by law.

F.A. Chua
.....
F.A. CHUA
JUDGE

D.C. D'Costa
.....
D.C. D'COSTA
JUDGE

3RD AUGUST 1976

IN THE COURT OF CRIMINAL APPEAL OF THE
REPUBLIC OF SINGAPORE

CRIMINAL APPEAL NO. 10 OF 1976

(In the Matter of High Court Criminal Case No. 10 of 1976)

Between

TEO HOOK SENG - Appellant

And

PUBLIC PROSECUTOR - Respondent

PETITION OF APPEAL

TO: THE HONOURABLE THE JUDGES OF THE COURT OF CRIMINAL APPEAL,
SINGAPORE

Your Petitioner, having given notice of appeal against Conviction for the offence of unlawful trafficking of morphine and sentence of death passed on him by the Honourable Mr Justice Chua and the Honourable Mr Justice D'Cotta in the High Court of the Republic of Singapore on the 13th day of July 1976 in Criminal Case No. 10 of 1976, states the following Grounds for his appeal :

There was a miscarriage of justice in that the learned Trial Judges :

- a) misdirected themselves on the issue of "controlled drug".
- b) convicted your Appellant of the offence of trafficking in 46-38 grams of morphine.

2. rejected the Defence application for an adjournment directed to obtaining precise evidence as to the exact quantity of morphine content in the substance alleged to be in the possession of the Appellant at the time of his arrest.

B. The learned Trial Judges erred in law -

3 a) in admitting P8- the "Cautioned Statement".

b) in failing :

(i) to give the Appellant's counsel an opportunity to address the Court on the admissibility of the said P8, before so admitting it in evidence, and

(ii) in requiring the Appellant's counsel to satisfy the Court by his address that the said Cautioned Statement P8 should not be admitted thereby reversing the onus and quantum of proof provided by the law.

c) in assuming that your Appellant :

(i) used the word "trafficking" in P8 and

(ii) used it with the technical meaning provided therefor by section 2 of the Misuse of Drugs Act

4 in holding :

a) that your Appellant was the one who answered PW2 "in the negative" (Grounds of Decision P2)

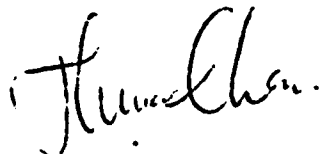
b) that your Appellant "lifted the bottom portion of his right trousers in a very swift action" (Grounds of Decision P.2)

- c) that "Dr. Rintoul was of no assistance to the Court. The results of the preliminary tests carried out by him were most unsatisfactory" (Grounds of Decision P.12)
- d) that "Loh Seng and Ah Kwang, and especially Loh Seng, were nothing but fictitious characters concocted by the accused" (Grounds of Decision Page 14)
- e) that the evidence of PW4, Tan Ah Moy, contradicted the evidence of your Appellant and proved him to be "not a witness of truth" (Grounds of Decision P. 14/15)
- f) that the Appellant "knew that the parcel he was carrying was morphine" (Grounds of Decision P.15)
- 5 in importing and basing the conviction of your Appellant on the presumptions provided by section 15(b) and section 16(1)(a) of the Misuse of Drugs Act.

C. . The conviction is against the weight of the evidence and the probability of the case.

The Appellant abovenamed therefore prays that the conviction and sentence may be set aside and that such order may be made thereon as justice may require.

Dated this 23rd day of September, 1976.



Solicitor for the Appellant

IN THE COURT OF CRIMINAL APPEAL OF THE
REPUBLIC OF SINGAPORE

Criminal Appeal No. 10 of 1976

(In the Matter of Singapore High Court
Criminal Case No. 10 of 1976)

Between

Teo Hock Seng ... Appellant

And

Public Prosecutor ... Respondent

Coram: Wee Chong Jin, C.J.
T. Kulasekaram, J.
Choor Singh, J.

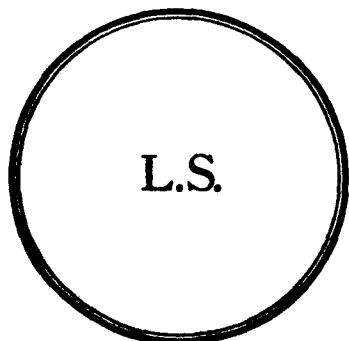
ORAL JUDGMENT OF THE COURT
DELIVERED BY WEE CHONG JIN, C.J.

Many grounds were set out in the Petition of Appeal but this morning your counsel has abandoned all but two grounds of appeal. We have read the Record of Appeal and now we have heard his arguments. The facts from the Record do not support the grounds he has argued set out in the Petition of Appeal as Grounds of appeal A2 and B 3(a) and (b) (i) and (ii). There is absolutely no reason and nothing in the Record to justify us in coming to the conclusion that you were not properly convicted on the charge. There was direct, clear and overwhelming evidence against you and your appeal must therefore be dismissed.

CHIEF JUSTICE,
SINGAPORE.

(T. Kulasekaram)
Judge

(Choor Singh)
Judge



At the Council Chamber Whitehall

The 21st day of November 1977

BY THE RIGHT HONOURABLE THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL

WHEREAS by virtue of the Republic of Singapore (Appeals to Judicial Committee) Orders 1966 and 1969 there was referred unto this Committee a humble Petition of Teo Hook Seng in the matter of an Appeal from the Court of Criminal Appeal of the Republic of Singapore between the Petitioner and The Public Prosecutor Respondent setting forth that the Petitioner prays for special leave to appeal *in forma pauperis* to the Judicial Committee from a Judgment of the Court of Criminal Appeal dated the 17th January 1977 which dismissed the Petitioner's Appeal against his conviction in the High Court in Singapore of unlawful trafficking in diamorphine under section 3 (a) of the Misuse of Drugs Act 1973 and sentence of death: And humbly praying Their Lordships to grant the Petitioner special leave to appeal *in forma pauperis* against the Judgment of the Court of Criminal Appeal dated the 17th January 1977 and for further or other relief:

THE LORDS OF THE COMMITTEE in obedience to the said Orders have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do grant special leave to the Petitioner to enter and prosecute his Appeal *in forma pauperis* against the Judgment of the Court of Criminal Appeal of the Republic of Singapore dated the 17th January 1977.

AND THEIR LORDSHIPS do further order that the authenticated copy of the Record produced by the Respondent upon the hearing of the Petition ought to be accepted (subject to any objection that may be taken thereto by the Petitioner) as the Record proper to be laid before the Judicial Committee on the hearing of the Appeal.

E. R. MILLS,
Registrar of the Privy Council.

THE CRIMINAL PROCEDURE CODE (CHAPTER 113, 1970 ED.)
(SECTIONS 151 - 153)

C H A R G E

<p>SUPREME COURT SINGAPORE</p> <p>EXHIBIT P7 in C.C.10/76</p> <p>Date: 7/7/76 - Sd - for Registrar</p>
--

D.A.O. 44/76

You TEO HOOK SENG - Male - 25 yrs - Malaysian Chinese (Hokkien) i/o 4289403 (blue) are charged that you, on or about the 9th day of January 1976 at about 2.45 p.m. in Singapore registered taxi SH 4481 B at Customs Woodlands Checkpoint, Singapore, not being authorised by the Misuse of Drugs Act, 1973 (No 5 of 1973) or any regulations made thereunder to traffic in a controlled drug, did traffic in approximately 75 grams of morphine hydrochloride, which is a controlled Class A drug as specified in Part I of the First Schedule to the aforesaid Act, and you have thereby committed an offence under section 3(a) and punishable under section 29 of the same Act.

- Sd -
LAWRENCE DORAY
AG ASST SUPERINTENDENT OF CUSTOMS
LAND DIVISION
SINGAPORE

9th January 76

charge was read, interpreted in Hokkien
and understood by me.

- Sd -
(TEO HOOK SENG)
9/1/76

Witnessed by me

- Sd -
(illegible)
9/1/76 1735 hrs

Charge interpreted
by me in Hokkien

- Sd -
(LEE SEAP THUNG)
9/1/76 1735 hrs

S T A T E M E N T

Witness/Suspect/Accused B		I.P. No.	Report No.
Name (including aliases, if any) of person making statement TEO HOOK SENG		Name in Chinese characters (if Chinese)	
Father's full name TEO CHUAN CHUAN		Sex Male	Age 25 years
Date & Place of Birth 16.9.51 Johore	NRIC No. 4289403 (M'ysian i/o)	Passport No. A.0534163 (M'ysian)	Nationality & Dialect Malaysian, Chinese/ Hokkien
Marital Status Single	No. of Children -	S'pore Citizenship Certificate No. -	Vehicle No. -
Address 193C Pt Tengahparat, Pasir Jawa, Muar, Johore		Occupation Stevedore	
Place of Employment M/s Lian Hoe Boat Quay, Singapore		Residence -	Telephone Nos Office -
at (time) 1740 hrs	Statement Recorded on (date) 9.1.76		at (place) Land HQ Woodlands
Language Spoken Hokkien	Interpreted By C/I Lee Seat Chung	Recorded By Lawrence Doray	Rank of Recording Officer Ag A.S.C. Land

NOTE: The Statement is to be signed by the Interpreter and the Recording Officer; and where necessary (e.g. cautioned statement) by the person making the statement.

CAUTION STATEMENT

Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence.

Yes I wish to make a statement.

I admit that I have committed an offence for trafficking in about 75 grams of morphine. I wish to plead for leniency because this is my first offence, and also I have to support my younger brothers and sisters.

That is all I have to say.

Read over to me in Hokkien and understood.

Interpreted by me in Hokkien

- Sd -
TEO HOOK SENG
(in Chinese)
9/1/76

- Sd -
(LEE SEAT CHUNG)
9/1/76 1800 hrs

Recorded by me
- Sd -
(illegible)
9/1/76 1800 hrs

SUPREME COURT SINGAPORE Exhibit P8 in CC 10/76

- Sd -

LABORATORY
NUMBER 859/76

DEPARTMENT OF CHEMISTRY,
Ministry of Science and
Technology,
Republic of Singapore.

CERTIFICATE UNDER SECTION 14 OF THE MISUSE OF DRUGS ACT, 1973

I, Lim Han Yong Chemist, Singapore do hereby certify that at 10.55 a.m. on the 10th day of January 1976 there was handed to me by Ag ASC Lawrence Doray one exhibit sealed "Customs and Excise Singapore 23" and marked "A1".

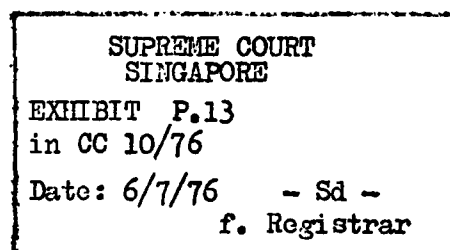
I found the content of the envelope to be one block of light brownish substance which I analysed and found to contain morphine hydrochloride. The block was then pulverized and the powder was found to weigh 36.83 grams. On analysis, I found the powder to have a morphine content of 60.2 per cent weight by weight. The total morphine content of this exhibit is therefore 22.17 grams. After analysis, the remaining powder was put into a plastic bag and sealed in the envelope marked "A1".

Morphine hydrochloride is a salt of morphine and is therefore a Class A Controlled Drug listed in The First Schedule to The Misuse of Drugs Act, 1973.

After examination the exhibits was sealed "Chief Chemist, Singapore" and handed together with this Report to Ag ASC Lawrence Doray at 2.46 pm on 29 Jan 1976.

The Comptroller of Customs,
Singapore

28.1.76



- Sd -
LIM HAN YONG
.....
Chemist, Singapore

DEPARTMENT OF CHEMISTRY,
Ministry of Science and
Technology,
Republic of Singapore

LABORATORY
NUMBER 860/76

CERTIFICATE UNDER SECTION 14 OF THE MISUSE OF DRUGS ACT, 1973

- - - -

I, Lim Han Yong Chemist, Singapore do hereby certify that at 10.55 a.m. on the 10th day of January 1976 there was handed to me by Ag ASC Lawrence Doray one exhibit sealed "Customs and Excise Singapore 23" and marked "A2"

I found the content of the envelope to be one block of brownish substance which I analysed and found to contain morphine hydrochloride. The block was then pulverized and the powder was found to weigh 38.26 grams. On analysis, I found the powder to have a morphine content of 63.3 per cent weight by weight. The total morphine content of this exhibit is therefore 24.21 grams. After analysis, the remaining powder was put into a plastic bag and sealed in the envelope marked "A2".

Morphine hydrochloride is a salt of morphine and is therefore a Class A Controlled Drug listed in The First Schedule to The Misuse of Drugs Act, 1973.

After examination the exhibits was sealed "Chief Chemist, Singapore" and handed together with this Report to Ag ASC Lawrence Doray at 2.45 p.m. on 29.1.76.

The Comptroller of Customs
Singapore

28.1.76

SUPREME COURT SINGAPORE EXHIBIT P.14 in CC 10/76 Date: 6/7/76 - Sd - f. Registrar
--

ACKNOWLEDGEMENT OF CHEMIST REPORTS

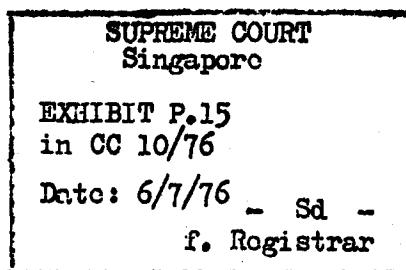
I, TEO HOOK SENG, on this day, the 9th of March, 1976 do hereby acknowledge that I received at the Queenstown Remand Prison, Singapore, one copy each of the two Chemist Reports Ref: Lab No. 859/76 and 860/76 from Acting Assistant Superintendent of Customs Lawrence Doray of the Customs Department, Singapore.

..... Sd
LAWRENCE DORAY
9/3/76 11.35 pm

Interpreted in Hokkien

.....Sd.....
TEO HOOK SENG
11.35 am 9/3/76

.....Sd.....
LEE SEAT CHUNG
9/3/76 11.35 pm



SINGAPORE TESTING LABORATORY
875 BUKIT TIMAH ROAD, SINGAPORE 10

Director:-

W. RINTOUL. B. SC., PH.D., (EDIN), F.R.S.H.,
F.I.F.S.T., F.S.N.I.C., F.S.N.A.S.,
F.M.I.C.

SUPREME COURT SINGAPORE
EXHIBIT D 2 in CC 10/76
Date: 9/7/76
Sd. illegible f. Registrar

July 9, 1976.

PRELIMINARY REPORT

I Walter Rintoul, with the above qualifications and previously a Government Gazetted Officer in the Dept. of Chemistry 1949 - 1953, formerly Chairman of the Royal Institute of Chemistry Singapore Section, Past President of the Singapore National Academy of Science, Founder President of the Singapore National Institute of Chemistry and presently and in previous years an external examiner for the Royal Society of Health, London do hereby certify that on 1st. July at about 11 a.m. I received from Mr. Lim Han Yong, an officer of the Dept. of Scientific Services 2 samples, A₁ and A₂ contained in well closed containers and protected from light (brown bottles).

On return to my laboratory I examined these 2 exhibits qualitatively by T.L.C. and G.C. The results of these analysis showed the presence of morphine and codeine.

On 2nd July my assistant Analyst and his Laboratory Assistant were in Penang to undertake their duties in analysing horse urines for dope.

On Sunday the 4th July 10:30 a.m. Mr. Thomas Chan visited my house for consultation.

On Monday afternoon 5th July my assistant analyst and my laboratory Assistant returned from Penang and the G.C. turned on ready for use the following day.

July 9, 1976

On Tuesday 6th July the G.C. was used to do quantitative work, but to our dismay it was noticed that the packed columns were being blocked and therefore had to be repacked and purged. This was done on the same afternoon.

On Wednesday 7th July T.L.C. was repeated and the results showed, and photographs of the results taken by me. These results would apparently show codeine to be present in large quantity. The word apparent is used as codeine may be more sensitive to the spray reagent than morphine.

The G.C. was also tried but the columns were not purged sufficiently for quantitative analysis. Morning and afternoon of each day till yesterday evening 8th July the columns are not sufficiently purged, in spite of the fact that the instrument is allowed to run day and night. However yesterday evening the columns showed slight improvement and quantitative results may be possible by early next week.

The initial G.C. results would apparently show morphine to be present in greater quantity than codeine. The word apparent is used as time did not permit us to run codeine and morphine standards for comparison.

Finally only quantitation can arrive at the true result and this will be done as soon as the columns are completely purged.

...3/

July 9, 1976

The writer wishes to thank the Dept. of Scientific Services
and the Customs for their courtesy and co-operation.

Yours faithfully,
SINGAPORE TESTING LABORATORY

Sd: Dr. Walter Rintoul
(Director)

25 MAR 1976

P I re MAC 1171A/76

P P vs TED HOEK SERG

DPT Loke Yoon Kee for Prosecution.
 Mr Thomas Chan for Accused.

DPT

: I will lead evidence in respect of 9 witnesses. The evidence will be led by way of written statements. Criminal Procedure Code has been complied with. The statements were served on accused on 12 Mar 76 and accused has acknowledged receipt of these statements.

Mr Thomas Chan:

I have no objections to evidence being led by way of written statements.

Accused confirms statements were served on him on 12 Mar 76.

Mr Loke

: I tender in the Letter of Service and Acknowledgement of accused marked 'A'.

Intia: A H J

Madam Tan Ah Moi being unable to read this statement, I, Lee Seat Chung, Clerk-Interpreter of Customs Department read and interpreted to her in the Hokkien dialect before she signed it.

Date: 5.3.76

Sd: X X X
(LEE SEAT CHUNG)

Page 48

Mr Loke: That is the end of my case. I have no more witnesses.

Mr Chan: I have no submission. There appears to be another passenger in the taxi.

Mr Loke: We have found that the evidence which she gave is not relevant to case. We have decided to dispense with her evidence. If Mr Chan wishes to call this witness for defense we can supply him with the name and address of this witness.

Court frames charge - marked 'C'.

Charge read, explained and understood.

Accused is cautioned.

THE CRIMINAL PROCEDURE CODE

(CHAPTER 113)

Section 141(2)

The foregoing
depositions of

- 1 Yeo Kai Gee, Peter
- 2 Lim Han Yeng
- 3 Lawrence Doray
- 4 Lee Sent Chung
- 5 Abbas bin Kayat
- 6 Mohd Hashim bin Mohd Tahir
- 7 Tay Tein Chee
- 8 Lim Eng Heng
- 9 Madan Tan Ah Mei

having been duly taken before me in the presence and hearing of the accused who was allowed an opportunity of cross-examining the witnesses the charge is framed and read and explained to the accused, the depositions having been read to witnesses, after which the following words are addressed to him.

Having heard the evidence do you wish to say anything in answer to the charge? You have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any confession of your guilt. You are not bound to say anything unless you desire to do so but whatever you say will be taken down in writing and may be given in evidence at your trial.

Accused reserves defense trial.

Court commits accused to stand trial
at High Court on the charge 'C'.

Mr Chan: At the moment I wish to inform Court
defense will be calling Leh Beng
staying at 31 Upper Pickering Street,
Singapore, as a defense witness.

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

NO 38 of 1971

ON APPEAL

FROM THE COURT OF CRIMINAL APPEAL IN THE
REPUBLIC OF SINGAPORE

B E T W E E N

TEO HOOK SENG

Appellant

and

THE PUBLIC PROSECUTOR

Respondent

RECORD OF PROCEEDINGS

Coward Chance,
Royex House,
Aldermanbury Square,
London EC2V 7LD
Solicitors for the Appellants

Charles Russell and Co.,
Hale Court,
Lincolns Inn,
London WC2A 3UL
Solicitors for the Respondent