

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2018] SGHC 104

Criminal Case No 12 of 2016

Between

Public Prosecutor

And

- (1) Ramdhan bin Lajis
- (2) Steve Crocker

JUDGMENT

[Criminal Law] — [Statutory Offences] — [Misuse of Drugs Act]

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Public Prosecutor
v
Ramdhan bin Lajis and another

[2018] SGHC 104

High Court — Criminal Case No 12 of 2016

Chan Seng Onn J

5–8 April, 27–29 September, 25–26 October 2016, 15–17, 22–23 August 2017; 8 January 2018

27 April 2018

Judgment reserved.

Chan Seng Onn J:

Introduction

1 This is a joint trial of two accused persons, Ramdhan bin Lajis (“Ramdhan”) and Steve Crocker (“Crocker”). Ramdhan faces one charge under s 5(1)(a) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) (“the MDA”) for trafficking in 29.51 grams of diamorphine. Crocker faces one charge under s 5(1)(a) read with s 5(2) of the MDA for having in his possession 29.51 grams of diamorphine for the purpose of trafficking.

2 The present trial arose out of an anti-drug operation conducted by officers from the Central Narcotics Bureau (“CNB”) on 19 March 2014. The officers were tailing a car bearing registration plate number SGX 4099E (“the Car”). Ramdhan and Crocker were both passengers in the Car. After alighting from the Car, Crocker was arrested and found to be in possession of two bundles

of heroin. Shortly after Crocker’s arrest, the Car was intercepted and Ramdhan was arrested.

3 Both accused persons claimed trial to their charges. Ramdhan contested his charge by arguing that he did not have any involvement with the two bundles of heroin. Crocker argued that a significant proportion of the drugs found in his possession was for personal consumption.

4 At the end of the joint trial, I reserved judgment. I now set out my decision.

The undisputed facts

5 On 19 March 2014, at sometime around noon, two teams of CNB officers were deployed to The Cathay at Handy Road as part of an anti-drug operation.¹ At about 1.05pm, Crocker was spotted boarding the Car at the taxi stand of The Cathay along Handy Road.² He was carrying a dark coloured haversack (“the Haversack”) at the material time.³ Ramdhan was sitting in the front passenger seat of the Car. Ramdhan’s friend, Mohammad Firaza bin Ahmad (“Firaza”), was driving. Upon entering the Car, Crocker sat on the left rear passenger seat.⁴

6 The CNB officers followed the Car to Grange Road, where Crocker alighted at about 1.10pm.⁵ One group of CNB officers continued to tail the Car. Another group of CNB officers arrested Crocker shortly after he alighted. At

¹ Prosecution Closing Submissions, para 5.

² Agreed Bundle (“AB”), pp 45–46.

³ AB, p 45.

⁴ Notes of Evidence (“NE”) Day 8, pp 5–6.

⁵ AB, p 54.

the time of his arrest, Crocker remained in possession of the Haversack.⁶

7 At about 1.30pm, the Car stopped at the junction of Tanjong Katong Road and Mountbatten Road. During this time Ramdhan was counting certain sums of money. Two CNB vehicles then intercepted the Car. The monies were scattered onto the floor mat of the front passenger seat in the course of the interception.⁷ Shortly after, Ramdhan and Firaza were placed under arrest.

Seizure of the exhibits

8 Crocker was escorted in a CNB operational vehicle to the basement carpark of Scape Park, carpark lot 16. At the carpark, a physical search was conducted on Crocker and the Haversack. The following relevant exhibits were recovered:⁸

(a) A golden metal box with the word “Chocolate” printed on the front which contained four packets of heroin (“D4A”, “D4B”, “D4C”, “D4D”; collectively, “the D4 packets”), one rolled up paper, two receipts and numerous pieces of aluminium foil.

(b) A red paper packet with a Carlsberg logo printed on the front (“red packet”) which contained \$11,100, a white envelope (“D9A”) which contained \$940 and a brown zip bag (“D11A”) which contained \$1,390.

(c) A plastic packet labelled “C5” containing one brown envelope (“B1-PP1A envelope”).⁹

⁶ AB, p 62.

⁷ NE Day 8, p 13; AB, p 54.

⁸ Prosecution’s Closing Submissions, para 28.

⁹ NE Day 2, pp 150–152.

(d) A yellow plastic bag with the word “slim” printed on the front (“yellow slim bag”). The yellow slim bag contained another plastic bag with the word “Abinash” printed on the front (“Abinash bag”). The Abinash bag contained 2 bundles of heroin which were wrapped up in black tape (“D10A1A”, “D10A2A”; collectively, “the D10 bundles”). The contents of the D10 bundles form the subject matter of the charges against Ramdhan and Crocker.

(e) A pocket digital weighing scale, and an orange plastic bag containing one pair of scissors and numerous empty plastic packets.

9 Ramdhan and Firaza were escorted to the carpark located at Block 3 Haig Road, Singapore. The Car was also driven to the same location. At this carpark, the Car was searched in the presence of Ramdhan and Firaza. The following relevant exhibits were recovered from the Car:¹⁰

(a) One brown envelope (“A1 envelope”) containing cash of \$4,600 bound with a rubber band, found on the floor mat of the front passenger seat of the Car.

(b) Scattered cash amounting to \$4,600, also found on the floor mat of the front passenger seat of the Car.

(c) One white envelope marked with the label “SP Services” (“SP services envelope”) containing cash of \$3,850, found on the front passenger door compartment.

10 Four mobile phones were also seized in the course of investigations. Two belonging to Crocker (“B1-HP1” and “B1-HP2”) and two belonging to

¹⁰ Prosecution Closing Submissions, para 29.

Ramdhan (“B3-HP1” and “B3-HP2”).¹¹ These mobile phones were sent to the Forensic Response Team of the CNB for analysis.

The forensic evidence

11 The A1 envelope, B1-PP1A envelope and a third envelope (“B1-PP1B”) were sent to the Forensic Chemical Physics Laboratory (“FCPL”) of the Health Sciences Authority (“HSA”) for analysis.

12 An analyst from FCPL, Ms Lim Shing Min (“Ms Lim”) examined all three envelopes. She determined that the A1 and B1-PP1A envelopes were consecutively manufactured (*ie* one was manufactured immediately after the other) in the manufacturing process from the same machine. The two envelopes were cut from the same sheet of paper and were once directly connected to each other.¹² This was based, *inter alia*, on an observation of the dimensions of the envelopes, a physical fitting of the two envelopes, the chemical composition of the adhesives of the envelopes and an examination of the fibres running across both envelopes.¹³ Ms Lim also noted that the A1 envelope was not associated with B1-PP1B.

13 The A1 envelope was also sent for fingerprint analysis, however, no print of value was developed.¹⁴

14 The Haversack, yellow slim bag, the D4 packets and red packet were sent to the Health Sciences Authority (“HSA”) for deoxyribonucleic acid

¹¹ Prosecution Closing Submissions, para 33.

¹² NE Day 5, pp 22–23.

¹³ NE Day 5, pp 17–22, 49–50.

¹⁴ NE Day 6, p 85.

("DNA") analysis.¹⁵ Crocker's DNA was found on all four items. Ramdhan's DNA was not specifically identified on any of these four items.

Analysis of the drugs

15 The D10 bundles as well as the D4 packets were sent to the Illicit Drugs Laboratory of the HSA for analysis. In summary, the following findings were made:

- (a) D10A1A contained not less than 451.1 grams of granular/powdery substance which was found to contain not less than 14.80 grams of diamorphine.¹⁶
- (b) D10A2A contained not less than 451.4 grams of granular/powdery substance which was found to contain not less than 14.71 grams of diamorphine.¹⁷
- (c) D4A contained not less than 8.93 grams of granular/powdery substance which was found to contain not less than 0.23 grams of diamorphine.¹⁸
- (d) D4B contained not less than 6.93 grams of granular/powdery substance which was found to contain not less than 0.17 grams of diamorphine.¹⁹

¹⁵ AB, p 157.

¹⁶ AB, p 147.

¹⁷ AB, p 148.

¹⁸ P166.

¹⁹ P166.

(e) D4C contained not less than 3.50 grams of granular/powdery substance which was found to contain not less than 0.09 grams of diamorphine.²⁰

(f) D4D contained not less than 5.72 grams of granular/powdery substance which was found to contain not less than 0.14 grams of diamorphine.²¹

16 The D10 bundles hence contained a total of not less than 902.5 grams of granular/powdery substance which contained not less than 29.51 grams of diamorphine.

17 The D4 packets contained a total of not less than 25.08 grams of granular/powdery substance which contained not less than 0.63 grams of diamorphine.

Statements of the accused persons

18 Pursuant to s 258(1) of the Criminal Procedure Code (Cap 68, 2012 Rev Ed) (“the CPC”), the Prosecution tendered certain statements recorded from the accused persons. There were no challenges to the admissibility of the statements.

Statements recorded from Crocker

19 In the course of investigations, the CNB officers recorded the following eight statements from Crocker:

²⁰ P166.

²¹ P166.

- (a) One contemporaneous statement (“P60”) recorded pursuant to s 22 of the CPC on 19 March 2014 at about 2.00pm.²²
- (b) One cautioned statement (“P80”) recorded pursuant to s 23 of the CPC on 20 March 2014 at 3.15am.²³
- (c) Six long statements recorded pursuant to s 22 of the CPC on 20 March 2014 at 8.44pm (“P82”),²⁴ 25 March 2014 at 3.00pm (“P83”),²⁵ 25 March 2014 at 8.45pm (“P84”),²⁶ 26 March 2014 at 4.20pm (“P85”),²⁷ 27 March 2014 at 9.50pm (“P86”),²⁸ and 28 May 2014 at 9.58pm (“P180”) ²⁹ respectively.

20 In P60, Crocker confirmed that he had bought 2 bundles of heroin for \$4,600 each from a person he called “Odeng”, who he identified as Ramdhan.³⁰ He mentioned that the drugs were bought for the purpose of sale. In P80, he gave an unqualified admission to the charge of drug trafficking.

21 In P82 to P86, Crocker gave an account of the events that led to his arrest:

- (a) Crocker stated that a man he knew as “Bujang Hawk” helped to coordinate drug transactions for him. He identified a man named Surani

²² AB, p 92.

²³ AB, p 318.

²⁴ AB, p 328.

²⁵ AB, p 333.

²⁶ AB, p 338.

²⁷ AB, p 341.

²⁸ AB, p 345.

²⁹ P180; NE Day 11, p 3.

³⁰ NE Day 3, pp 113–114.

bin Hamid (“Suriani”) to be “Bujang Hawk”. He admitted that Suriani would help him arrange for heroin resupply transactions once every 1 to 2 weeks. He would pay Suriani a commission of around \$200-300 depending on the amount of heroin he ordered. He paid Suriani through cash deposits into Suriani’s bank account. He received this bank account number through a text message from Suriani.

(b) Crocker also stated that Suriani called him on the morning of 19 March 2014 at about 10.00am and told him to meet Ramdhan at the Cathay to pick up an order of 2 bundles of heroin. Some 15 to 20 minutes later, Ramdhan called Crocker and both of them arranged to meet at the Cathay.

(c) Upon reaching the Cathay, Crocker called Ramdhan and told Ramdhan that he was waiting at the taxi stand, to which Ramdhan replied that he would arrive in a few minutes. After a few minutes, Ramdhan arrived in the Car, sitting at the front passenger seat. Crocker entered the car and sat on the left rear passenger seat. Immediately as the car was moving, Ramdhan reached for the floor mat of the front passenger seat, brought up the yellow slim bag and handed it to Crocker. Crocker then put the yellow slim bag into the Haversack. Crocker thereafter took out an envelope containing two stacks of cash amounting to a total of \$9,200 and gave it to Ramdhan. He identified the envelope as the A1 envelope. Shortly after this exchange, Crocker was dropped off at the area beside Orchard Building along Grange Road.

(d) Crocker claimed that the D4 packets were for his own consumption. He stated that he was a frequent smoker of heroin, and one packet of 5g of heroin would last him one day.

- (e) Crocker confirmed that the money in D9A, D11A, and the red packet was obtained through drug trafficking activities.

22 In P180, Crocker further confirmed that the sum of over \$16,000 in his POSB bank account was obtained entirely through drug trafficking activities.

Statements recorded from Ramdhan

23 The CNB officers recorded the following seven statements from Ramdhan:

- (a) One contemporaneous statement (“P61”) recorded pursuant to s 22 of the CPC on 19 March 2014 at about 1.57pm.³¹
- (b) One cautioned statement (“P81”) recorded pursuant to s 23 of the CPC on 20 March 2014 at 4.31am.³²
- (c) Five long statements recorded pursuant to s 22 of the CPC on 22 March 2014 at 3.38pm (“P87”),³³ 26 March 2014 at 11.10am (“P88”),³⁴ 31 March 2014 at 10.40am (“P89”),³⁵ 31 March at 3.32pm (“P90”),³⁶ and 31 March 2014 at 8.53pm (“P91”) ³⁷ respectively.

24 In P61, Ramdhan denied passing anything to Crocker. He also denied receiving anything from Crocker. He stated that the purpose of the trip to

³¹ AB, p 116.

³² AB, p 323.

³³ AB, p 348.

³⁴ AB, p 353.

³⁵ AB, p 357.

³⁶ AB, p 363.

³⁷ AB, p 369.

Orchard was to give Crocker a lift from the Cathay to Cineleisure. He claimed that the money found in the Car was moneylending monies collected on behalf of a person called “Ah Chong”.

25 In P81, Ramdhan denied the charge of drug trafficking and stated that he was only giving Crocker a lift.

26 In P87 to P91 Ramdhan gave his version of the events of 19 March 2014:

(a) Ramdhan claimed that the \$9,200 found in the A1 envelope were collections from debtors of his boss “Ah Chong”. He claimed he had collected over \$3,000 from “Jamil” and over \$5,000 from “Shawn” on 18 March 2014.

(b) He claimed that on 19 March 2014, he had collected \$3,850 from another debtor of “Ah Chong” named “Man”. Thereafter, he arranged to meet Firaza to “*jalan, jalan*” (travel around to spend free time). Firaza drove the Car to Ramdhan’s house for that purpose. Ramdhan boarded Firaza’s car, carrying the A1 and the SP services envelope. Firaza made a stop at a petrol kiosk in Toa Payoh to refuel his car. At the petrol kiosk, Ramdhan made the suggestions to Firaza that they head to the town area to “*jalan, jalan*”.

(c) Firaza agreed and they headed for Orchard Road. Ramdhan gave Crocker a call using B3-HP2 to invite him for lunch. Ramdhan claimed that during the call, Crocker requested a lift. Hence, they duly provided Crocker a lift from the Cathay to the area opposite Orchard Cineleisure. He denied any transactions between Crocker and himself.

27 I note that there were some differences in the description of Crocker’s drop-off location along Grange Road in the accounts of Crocker and Ramdhan. This difference is immaterial; the drop-off location is understood to be the same. For the sake of clarity, the aforementioned drop-off location will be referred to as Grange Road in this judgment.

The applicable legal principles

28 Section 5 of the MDA provides:

Trafficking in controlled drugs

5.—(1) Except as authorised by this Act, it shall be an offence for a person, on his own behalf or on behalf of any other person, whether or not that other person is in Singapore —

(a) to traffic in a controlled drug;

...

(2) For the purposes of this Act, a person commits the offence of trafficking in a controlled drug if he has in his possession that drug for the purposes of trafficking.

29 Section 2 of the MDA states that “traffic” means “to sell, give, administer, transport, send, deliver or distribute” or to offer to do any of the aforementioned acts.

30 For a charge of trafficking under s 5(1)(a) of the MDA to be made out, the Prosecution must prove the following elements:

(a) the act of trafficking, without authorisation, in a controlled drug (for example, by giving drugs); and

(b) knowledge of the nature of the controlled drug, which may be proved or presumed pursuant to s 18(2) of the MDA.

31 For a charge of trafficking under s 5(1)(a) read with s 5(2) of the MDA to be made out, the Prosecution must prove the following elements (see *Muhammad Ridzuan bin Md Ali v Public Prosecutor and other matters* [2014] 3 SLR 721 (“*Muhammad Ridzuan*”) at [59]):

- (a) possession of a controlled drug, which may be proved or presumed pursuant to s 18(1) of the MDA;
- (b) knowledge of the nature of the drug which may be proved or presumed pursuant to s 18(2) of the MDA; and
- (c) proof that the possession of the drugs was for the purpose of trafficking which was not authorised.

32 The Prosecution seeks to rely on several presumptions under s 18 of the MDA. The relevant portions of s 18 are as follows:

Presumption of possession and knowledge of controlled drugs

18.—(1) Any person who is proved to have had in his possession or custody or under his control —

- (a) anything containing a controlled drug;

...

shall, until the contrary is proved, be presumed to have had that drug in his possession.

- (2) Any person who is proved or presumed to have had a controlled drug in his possession shall, until the contrary is proved, be presumed to have known the nature of that drug.

33 As stated, knowledge of the nature of the controlled drug is an element under a s 5(1)(a) trafficking charge. In this connection, although possession is not an element of a s 5(1)(a) trafficking charge (*cf* possession for the purposes of trafficking under s 5(1)(a) read with s 5(2) of the MDA), the Prosecution is

not precluded from relying on the presumption of knowledge under s 18(2) of the MDA to satisfy the knowledge element for a s 5(1)(a) trafficking charge. The Prosecution may invoke s 18(2) of the MDA so long as they can either prove that the accused was in possession of the drugs or trigger the presumption in s 18(1) of the MDA to that effect. Often, as is the case in the present proceedings, proof that the act of trafficking had taken place would also prove that the accused was in possession of the drugs and hence trigger the presumption in s 18(2) of the MDA.

34 If the Prosecution is able to successfully invoke the presumption of knowledge found in s 18(2) of the MDA, the burden is placed on the accused to prove, on a balance of probabilities, that he did not know or could not reasonably have been expected to know the nature of the controlled drug (see *Muhammad Ridzuan* at [75]).

My decision

35 Having considered the evidence at trial and the submissions of both parties, I find that the elements of the respective charges against both accused persons have been made out. I will first explain my decision with respect to Ramdhan, before turning to my decision pertaining to Crocker.

Ramdhan's guilt

36 As stated (see [1] above), Ramdhan was charged with the trafficking of 29.51 grams of diamorphine under s 5(1)(a) of the MDA.

37 The thrust of the Prosecution's case against Ramdhan was that Ramdhan had passed the D10 bundles to Crocker in exchange for \$9,200 ("the alleged transaction").³⁸ The Prosecution argued that the alleged transaction took place

inside the Car while Crocker was being transported from The Cathay to Grange Road. On this basis, the element of trafficking would be made out. The existence of the alleged transaction itself would also prove possession sufficient to invoke the presumption of knowledge under s 18(2) of the MDA. The Prosecution further submitted that the presumption under s 18(2) remains unrebutted by Ramdhan.

38 In support of the case that the alleged transaction took place, the Prosecution made several arguments. The arguments are summarised below:

(a) Crocker testified at trial that he had passed \$9,200 to Ramdhan in exchange for the D10 bundles whilst in the car. This directly proved the existence of the alleged transaction. His testimony was also consistent with his statements given to the police.³⁹

(b) Crocker's testimony was supported by objective evidence. The sum of \$9,200 found on the floorboard of the Car was arranged in a manner consistent with Crocker's testimony.⁴⁰ Additionally, the A1 envelope was manufactured consecutively to another envelope which was found in Crocker's possession, which supported Crocker's testimony that he had passed the \$9,200 to Ramdhan in an envelope that he owned.⁴¹

(c) The phone records suggested that there was a drug transaction between Crocker and Ramdhan which was coordinated by Surani.⁴² This

³⁸ Prosecution's Closing Submissions, para 4.

³⁹ Prosecution's Closing Submissions, para 155a.

⁴⁰ Prosecution's Closing Submissions, para 156a.

⁴¹ Prosecution's Closing Submissions, paras 163–166.

⁴² Prosecution's Closing Submissions, paras 167–177.

would be consistent with Crocker's testimony that Surani acted as a middleman for the transaction. Surani's bank account statements further bolstered this version of events as there were sums of money that appeared to be commissions for previous drug transactions.⁴³

(d) Firaza's testimony that Ramdhan started counting the \$9,200 after Crocker had left the car was consistent with the fact that a transaction had just taken place between Crocker and Ramdhan.⁴⁴

39 Ramdhan's case was that no transaction took place at all. In support of this, counsel for Ramdhan made several arguments, which are summarised below:

(a) Ramdhan had testified that no transaction had taken place, and this denial was maintained consistently in all his statements to the police.⁴⁵ The money found inside the Car was in fact moneylending monies collected on behalf of one "Ah Chong".⁴⁶

(b) There was no DNA evidence that suggested that Ramdhan had come into contact with the yellow slim plastic bag that contained the D10 bundles.⁴⁷

(c) There was no fingerprint evidence to suggest that Crocker had touched the A1 envelope.⁴⁸

⁴³ Prosecution's Closing Submissions, para 178.

⁴⁴ Prosecution's Closing Submissions, paras 181–182.

⁴⁵ Ramdhan's Closing Submissions, paras 11 and 16.

⁴⁶ Ramdhan's Closing Submissions, para 13.

⁴⁷ Ramdhan's Closing Submissions, para 11(7).

⁴⁸ Ramdhan's Closing Submissions, para 19(2).

(d) Aside from Crocker, none of the other witnesses, including the CNB officers, had seen the transaction taking place.⁴⁹

40 From the arguments of the parties as summarised above, it is clear that the key issue with respect to Ramdhan’s conviction is whether the alleged transaction did in fact take place. If it is proved that the alleged transaction did take place, the act of trafficking would be made out. Additionally, this would allow the Prosecution to rely on the presumption under s 18(2) of the MDA to satisfy the knowledge element of the s 5(1)(a) trafficking charge, as Ramdhan would have been in possession of the D10 bundles in the course of the transaction (see [33] above). Conversely, if it is not proved that the alleged transaction took place, none of the elements would be satisfied.

41 In my view, a careful consideration of the credibility and consistency of the various witnesses, as well as the objective evidence available before the court, establishes that the alleged transaction did take place. The starting point of my analysis will be Crocker’s testimony.

Crocker’s testimony on the alleged transaction

42 During Crocker’s examination-in-chief, he testified that on 18 March 2014, he contacted Surani, whom he knew as “Bujang”, to arrange for the purchase of heroin. Surani then arranged for Crocker to purchase 2 bundles of heroin for \$4,600 per bundle.⁵⁰ On the morning of 19 March 2014, Surani instructed Crocker to meet Ramdhan at Handy Road.⁵¹ Crocker arrived at the Cathay at Handy Road at “about 12.00-something” and called Ramdhan.

⁴⁹ Ramdhan’s Closing Submissions, paras 57–60.

⁵⁰ NE Day 10, pp 96–97.

⁵¹ NE Day 10, p 104.

Ramdhan arrived by car, driven by someone unfamiliar to him. He entered the car and sat in the left rear passenger seat. Ramdhan was sitting in the front passenger seat. While inside the car, Ramdhan gave Crocker the yellow slim bag containing the D10 bundles and Crocker passed Ramdhan an envelope containing \$9,200.⁵²

43 When asked to describe the money he had passed to Ramdhan in greater detail, Crocker stated that the money was for the purposes of paying for the D10 bundles and mentioned that the money was tied up in two bundles of \$4,600 each. The entire sum of \$9,200 was placed inside an envelope, which he confirmed to be the A1 envelope. Crocker highlighted that the A1 envelope came from a 5-piece packet of envelopes that Crocker had previously bought.⁵³

44 Crocker's evidence on the alleged transaction remained largely consistent during cross-examination by counsel for Ramdhan. When counsel for Ramdhan suggested that he may not have accurately recounted the events of 19 March 2014, Crocker firmly maintained that Ramdhan had passed him the drugs in the car, and he had passed the A1 envelope containing \$9,200 to Ramdhan in exchange.⁵⁴ Crocker's testimony was also consistent with the various statements he had given to the CNB (see [21]–[22] above).

45 Before I evaluate the reliability of the account provided by Crocker, it would be helpful to examine Ramdhan's testimony on the alleged transaction. It is to this testimony I now turn.

⁵² NE Day 10, pp 106–107.

⁵³ NE Day 10, pp 98–101.

⁵⁴ NE Day 10, pp 143–144.

Ramdhan's testimony on the alleged transaction

46 During Ramdhan's examination-in-chief, Ramdhan claimed that the purpose of the Car trip was simply to go for a ride in the town area with Firaza. Firaza had picked Ramdhan up from Ramdhan's home in Toa Payoh, and made a stop at a petrol station in Toa Payoh. It was at the petrol station where Ramdhan decided that he wanted to arrange for lunch with Crocker and Firaza. Thus, he telephoned Crocker. During the telephone call, he did not ask Crocker for lunch, as Crocker had asked for a lift from the Cathay.⁵⁵

47 Ramdhan convinced Firaza to give Crocker a lift, and Firaza duly drove to the Cathay for that purpose. Crocker was picked up and transported from the Cathay to Grange Road. No drug transaction took place inside the Car.⁵⁶ Ramdhan claimed that after dropping Crocker off, Firaza wanted to return to his home in Woodlands, so they decided to head to Woodlands, where they would have lunch afterwards.⁵⁷

48 When asked to describe where the money in the Car had come from, Ramdhan claimed that the money was moneylending monies he was collecting on behalf of one "Ah Chong". He collected the sum of \$3,900 from a man named Jamil and a sum of \$5,300 from a man named Shawn.⁵⁸ These sums were collected on 18 March 2014. Both sums of money were placed in a "yellowish chocolate" envelope he had "found at home in the living room".⁵⁹ He confirmed that the "yellowish chocolate" envelope he was referring to was

⁵⁵ NE Day 8, p 5; Day 9, p 20.

⁵⁶ NE Day 8, pp 6–7.

⁵⁷ NE Day 9, p 24.

⁵⁸ NE Day 8, p 7.

⁵⁹ NE Day 8, p 9.

the A1 envelope.⁶⁰ He also collected the sum of \$3,850 from an individual by the name of “Man” on the 19 March 2014, which he placed in the SP services envelope.

49 He testified that in the minutes prior to his arrest, he was counting the money that he had placed in the A1 envelope the day before. He claimed that about half of the money (which he asserted amounted to \$4,500) had been counted, tied and placed into the A1 envelope. He was holding on to the rest of the money just prior to his arrest. However, during the interception between the Car and the CNB vehicles, which Ramdhan said involved a collision, the money was scattered on the floor.⁶¹

The reliability of Crocker and Ramdhan’s testimony on the alleged transaction

50 On the whole, I accept Crocker’s testimony as a reliable account of what had occurred with respect to the alleged transaction. In contrast, I find that Ramdhan’s version of events is unreliable. This is for several reasons.

- (a) Crocker’s testimony is internally consistent whereas Ramdhan’s testimony is internally inconsistent;
- (b) Firaza’s testimony is inconsistent with Ramdhan’s testimony and is also internally inconsistent;
- (c) Crocker’s testimony is corroborated by the objective forensic evidence, whereas Ramdhan’s testimony is contradicted by the same evidence;

⁶⁰ NE Day 8, p 12.

⁶¹ NE Day 8, p 13.

(d) Crocker's testimony is consistent with the manner in which the sum of \$9,200 was found in the Car, whereas Ramdhan's testimony is not.

51 I shall explain each reason in turn.

(1) The internal consistency of Crocker and Ramdhan's testimony

52 Crocker's account of the alleged transaction at trial was consistent in all material aspects with the version of events provided in his statements to the police.

53 Significantly, Crocker's account provides a cogent explanation for an otherwise puzzling aspect of the parties' behaviour on the day of the incident, namely, the purpose of driving a significant distance from Toa Payoh to the Cathay to pick Crocker up, only to quickly drop him off a short distance away, at Grange Road. According to Crocker, the trip in the Car was for the purposes of facilitating the alleged transaction. This would explain why Ramdhan and Firaza felt the need to drive a significant distance just to give Crocker a comparatively short lift.

54 In contrast, I find Ramdhan's alternative explanation for the trip to be highly implausible. To reiterate, Ramdhan's explanation for the trip was that he initially intended to ask Crocker for lunch, however, after calling Crocker, he decided to provide Crocker a lift from the Cathay to Grange Road. Based on the records of the CNB officers tailing the Car, the trip from the Cathay to Grange Road took a mere 5 minutes.⁶² It was clear that the trip from Toa Payoh to the Cathay took a longer period of time. I note that the Cathay is within walking

⁶² NE Day 1, pp 18–19.

distance of Dhoby Ghaut MRT station while Grange Road is within walking distance of Somerset MRT station. These two locations are essentially one MRT station apart from each other. If Crocker only needed to travel from the Cathay to Grange Road, he could simply have walked to Grange Road or alternatively travelled via the MRT. This would have taken a similar or shorter amount of time compared to troubling Ramdhan to travel from Toa Payoh to pick him up.

55 Additionally, Ramdhan's explanation is also implausible given his relationship with Crocker. Ramdhan testified that Crocker was a mere acquaintances⁶³ and not a close friend.⁶⁴ As such, it would have been extremely unlikely that Ramdhan would have wasted a significant amount of time just to give an acquaintance a 5 minute lift from the Cathay to Grange Road.

56 Furthermore, Ramdhan's and Firaza's behaviour after dropping Crocker off would be illogical if Ramdhan's testimony is to be believed. According to Ramdhan, his initial reason for going into the Orchard area was to "*jalan, jalan*" and have lunch but this was derailed by Crocker's request to grant him a lift.⁶⁵ After travelling all the way from Toa Payoh to Grange Road, Ramdhan and Firaza travelled out of the town area towards Woodlands to have lunch.⁶⁶ One would expect that if Ramdhan truly intended to have lunch in Orchard, they would have parked the car somewhere in the Orchard area and proceeded with their initial plans after dropping Crocker off. Instead what had essentially occurred was that Ramdhan and Firaza had driven in and out of the Orchard area, with nothing to show for it, except to give Crocker a lift between two areas in close proximity with each other.

⁶³ NE Day 9, p 19.

⁶⁴ NE Day 8, p 43.

⁶⁵ NE Day 8, p 56; Day 9, p 20.

⁶⁶ NE Day 9, pp 22–23.

57 Lastly, Ramdhan’s testimony that the money found in the car was moneylending monies was illogical given the time he started counting the money. Ramdhan only started counting the money after Crocker had left the Car. By Ramdhan’s account, this money was collected from debtors a day before. If this were true, one would have expected him to count the money soon after collecting the money from the debtors, to ensure that the correct amounts were paid. Instead, he chose to count the money immediately after Crocker left the car. It is far more likely that Ramdhan choose this time to count the money as this would be immediately after he had received the money from Crocker.

(2) Firaza’s testimony

58 Ramdhan’s own Defence Witness, Firaza, gave an account of events different from that of Ramdhan. In Firaza’s testimony, there was no indication that the purpose of driving to the Cathay was to give Crocker a lift. Nor was there any mention of lunch.⁶⁷ Instead the purpose of the trip was for Ramdhan to “meet a friend”.⁶⁸

59 Quite apart from the contradictions between Firaza’s and Ramdhan’s account, I also disbelieve Firaza’s explanation that the true purpose of the trip was for Ramdhan to “meet a friend”, given that Crocker and Ramdhan had only met for a mere 5 minutes before Crocker exited the Car.

60 I further note that at trial, Firaza testified that he had seen the A1 envelope in the Car prior to picking Crocker up.⁶⁹ I did not find his testimony on this point believable. During investigations in 2014, Firaza was specifically

⁶⁷ NE Day 9, p 121.

⁶⁸ NE Day 9 pp 120–122.

⁶⁹ NE Day 9, p 94.

asked whether he had seen any brown or white envelope in the Car, yet Firaza told the investigators he did not.⁷⁰ This contradiction between his statements close to the date of the alleged transaction and his evidence at trial three years later strongly suggested that this was a fabrication made in order to bolster Ramdhan's testimony that Crocker did not pass him the A1 envelope.

(3) The forensic evidence

61 I find that the forensic evidence pertaining to the A1 envelope corroborates Crocker's testimony and contradicts Ramdhan's testimony.

62 As earlier highlighted (see [12] above), HSA analyst Ms Lim concluded, based on the physical measurements and physical fitting of the two envelopes, that the A1 and B1-PP1A envelopes were manufactured consecutively from the same sheet of paper and on the same machine.⁷¹

63 I find that this is highly significant, objective corroboration of Crocker's testimony. The A1 envelope was found in Ramdhan's possession and contained the alleged drug monies. The B1-PP1A envelope was found in Crocker's possession in the Haversack. Crocker's testified that he had packed the payment of \$9,200 into the A1 envelope and passed it to Ramdhan. He stated that the A1 envelope was taken from the same packet as the B1-PP1A envelope.⁷² This would explain the otherwise incredible coincidence that Crocker and Ramdhan had in their possession envelopes that were manufactured consecutively from the same sheet of paper from the same machine.

⁷⁰ NE Day 9, pp 110–111.

⁷¹ NE Day 5, p 23.

⁷² NE Day 10, pp 100–101.

64 In contrast, Ramdhan’s testimony in relation to the A1 envelope is difficult to believe. Ramdhan claimed that he had found the A1 envelope “among the stack of used paper bags in [his] living room”.⁷³ It is exceedingly unlikely that Ramdhan would have found an envelope that was manufactured consecutively with an envelope in Crocker’s possession by sheer chance. In my view, this was a desperate attempt to explain away the fact that the envelope containing the alleged drug monies appeared to have come from Crocker, despite Ramdhan’s claim that there was no drug transaction between Crocker and himself.

65 To buttress his case, counsel for Ramdhan highlighted the weaknesses in the DNA and fingerprint evidence. I find the state of the DNA and fingerprint evidence to be immaterial for the following reasons:

- (a) On the DNA evidence, counsel for Ramdhan highlighted that Ramdhan’s DNA was not found on the yellow slim bag. Accordingly, this contradicted Crocker’s testimony, since Crocker claimed Ramdhan had passed him the yellow slim bag.⁷⁴ I reject this argument. At trial, Dr Chuah Siew Yeam (“Dr Chuah”), the HSA analyst that examined and prepared the DNA profile report, clarified that although Ramdhan’s DNA was not specifically identified on the yellow slim bag, this did not conclusively exclude the possibility of Ramdhan having handled the yellow slim bag. Dr Chuah explained that not every individual who has touched an object would leave sufficient DNA to trigger a positive DNA result, and this may result in the inconclusive finding that an “unknown person” had handled the item.⁷⁵ In the present case, the DNA profiling

⁷³ NE Day 8, p 12.

⁷⁴ Ramdhan’s Closing Submissions, para 11(7).

⁷⁵ NE Day 3, pp 82–83.

report stated that at least one other unidentified person had touched the yellow slim bag, but there was insufficient DNA for Dr Chuah to conclude on the identity of the person.⁷⁶ In light of the above, the DNA evidence is equivocal at best and cannot be used to contradict Crocker's testimony.

(b) On the fingerprint evidence, counsel for Ramdhan argued that Crocker's testimony, that he had passed Ramdhan the A1 envelope, was contradicted by the fact that Crocker's fingerprints were not found on the envelope.⁷⁷ I also reject this argument. According to the fingerprint examination report for the A1 envelope, "no print of value developed".⁷⁸ This suggests that neither Crocker nor Ramdhan's fingerprints were detected on the envelope. Despite this, Ramdhan had testified that he had taken money out of the A1 envelope just prior to his arrest. Moreover, it was Ramdhan's own case that he had handled the A1 envelope the day before his arrest by placing moneylending monies into the envelope. This indicates that the absence of fingerprint evidence does not mean that the envelope was not handled by a specific individual. Therefore, I find that the lack of fingerprint evidence is inconclusive and does not contradict Crocker's testimony.

(4) The manner in which the sum of \$9,200 was found in the Car

66 SSGT Tay Keng Chye ("SSGT Tay"), a CNB officer who participated in the arrest of Ramdhan, testified that he had counted both the sums of money found inside the A1 envelope as well as the money scattered on the floor mat of

⁷⁶ NE Day 3, p 82.

⁷⁷ Ramdhan's Closing Submissions, p 16.

⁷⁸ NE Day 6, p 85.

the Car, and they amounted to sums of \$4,600 each, which made up a total of \$9,200.⁷⁹ He also testified that the money found in the A1 envelope was bound by a rubber band.⁸⁰ At trial, Ramdhan asserted that he had counted and placed \$4,500 inside the A1 envelope, instead of \$4,600.

67 I accept SSGT Tay's account on the sums of money and reject Ramdhan's assertion. The amount of money found based on SSGT Tay's account is corroborated by the evidence of IO Angus, who had separately counted the money.⁸¹ Additionally, the relevant physical exhibits were unsealed at trial and counted by the Prosecution and Defence Counsel for both co-accused, and all parties verified that the sums of money amounted to two sets of \$4,600 each. At trial Ramdhan suggested that a CNB officer had added \$100 of his own money to the exhibits, but I reject this suggestion. No proof was offered for this bare assertion.

68 The fact that \$4,600 was found tied up in a rubber band in the A1 envelope and the sum of \$4,600 was found scattered on the floor mat of the car is significant in three ways.

69 First, the total sum of money, and their precise arrangement corroborates Crocker's account that he had passed 2 stacks of \$4,600 each to Ramdhan, in the car, as payment for the D10 bundles.

70 Second and on a related note, Crocker was able to state that the A1 envelope contained exactly two stacks of \$4,600 as early as in his contemporaneous statements taken on the day of his arrest.⁸² This knowledge of

⁷⁹ NE Day 2, pp 24–27.

⁸⁰ NE Day 2, p 28.

⁸¹ NE Day 6, page 91.

the precise amount of money that was in Ramdhan's possession is at odds with Ramdhan's claim that no transaction occurred between him and Crocker, and that the money was moneylending monies. No suggestion was made that Crocker had any knowledge of Ramdhan's debt collection activities. The obvious explanation for Crocker's knowledge of the precise amount of money was that these were not moneylending monies at all, but rather payment from Crocker for the D10 bundles.

71 Third, the manner in which the money was arranged is inconsistent with Ramdhan's suggestion that the money was moneylending monies collected the day before. As earlier highlighted (see [48] above), Ramdhan claimed that he collected the sum of \$3,900 from a man named Jamil and a sum of \$5,300 from a man named Shawn,⁸³ and these sums were placed inside the A1 envelope. If these were truly moneylending monies, the money would have been arranged in a manner corresponding to the sums returned by the individual debtors (i.e. in a stack of \$3,900 and a stack of \$5,300). Instead, they were arranged as Crocker had described.

(5) Conclusion

72 Before concluding my finding on the reliability of Crocker and Ramdhan's respective accounts, I pause to note that counsel for Ramdhan argued that Crocker's testimony was not credible for two reasons. First, Crocker was dishonest on his level of drug consumption. Second, pursuant to illustration (b) of the Evidence Act (Cap 97, 1997 Rev Ed) ("illustration (b)"), Crocker's evidence should be treated with caution as Crocker was a co-accused. I reject both arguments for the reasons below.

⁸² AB, p 96.

⁸³ NE Day 8, p 7.

73 The fact that Crocker could have been dishonest about his level of drug consumption does not render the entirety of his testimony unreliable. It is not inconsistent to suggest that certain portions of an accused’s testimony are reliable and other parts are not.

74 The fact that Crocker is a co-accused does not automatically discredit his testimony. Illustration (b) states that “the court *may* presume that the evidence of an accomplice is unworthy of credit and his evidence needs to be treated with caution” [emphasis added]. This illustration is phrased in discretionary terms. Additionally, I note that despite illustration (b), it is open to the court to convict an accused *solely* on the basis of a co-accused’s testimony, although in such circumstances it may be relevant to consider the incentive that the co-accused might have in giving evidence against the accused (see *Norasharee bin Gous v Public Prosecutor* [2017] 1 SLR 820 at [59]). In the present case, Ramdhan is not being convicted solely on the basis of Crocker’s testimony. As I have explained (see above at [61]–[71]), Crocker’s evidence is amply corroborated by the objective evidence available.

75 In any event, there was no evidence to even suggest that Crocker had a motive to implicate Ramdhan. At trial Crocker fully admitted to possessing drugs for the purposes of reselling to other individuals. His only defence was a consumption defence and identifying the individual who had passed Crocker the drugs was irrelevant to this defence. There was also no evidence that Crocker harboured any animosity towards Ramdhan.

76 Therefore, based on a consideration of all the points mentioned above from [52] to [75], I find that Crocker’s account is believable and reliable, and I find that Ramdhan’s testimony should not be relied upon. On this basis, the key

issue of whether the alleged transaction had taken place is sufficiently resolved in favour of the Prosecution.

77 However, in addition to the points raised above, the issue of the probative value of certain phone records and Surani's alleged involvement was hotly contested at trial. For the sake of completeness, I will now turn to consider this issue.

The mobile phone records and Surani's involvement

78 The Prosecution argued that Crocker's testimony was further corroborated by the objective phone records that showed a pattern of interchanging phone calls between Surani, Crocker and Ramdhan on the morning of 19 March 2014, which corroborated Crocker's testimony that Surani had arranged for a drug transaction between Ramdhan and himself.⁸⁴

79 The fact that a significant number of phone calls were made interchangeably between Crocker, Ramdhan and a third number (81463432) on the morning of 19 March 2014 was not disputed. However, the attribution of the third number to Surani was heavily contested.

80 At trial Surani denied his involvement in the alleged transaction and stated that the phone number was wrongly attributed to him.⁸⁵ Counsel for Ramdhan further highlighted three points. First, when Surani was arrested, no mobile phone bearing the number 81463432 was found on him.⁸⁶ Second, the Prosecution had given Surani a discharge not amounting to acquittal on a drug trafficking charge, which was inconsistent with their position that Surani was

⁸⁴ Prosecution's Closing Submissions, paras 167–177

⁸⁵ NE Day 10, p 36.

⁸⁶ Ramdhan's closing submissions, para 25(2).

the coordinator for the alleged transaction.⁸⁷ Third, Crocker had sent a letter to AGC sometime on or about 20 June 2014 (“AGC letter”), which purported to exonerate Surani from all involvement in the alleged transaction.⁸⁸

81 I accept Crocker’s version of events with respect to Surani’s involvement in the matter and agree with the Prosecution that the objective phone records corroborate Crocker’s account. I arrived at this finding for four reasons.

82 First, the available evidence clearly establishes that the mobile number 81463432 belonged to Surani.

83 It was not disputed that Crocker knew Surani by the name “Bujang”. The mobile number 81463432 was saved in B1-HP1, Crocker’s mobile phone, under precisely the same name.

84 In Crocker’s long statement, P83, Crocker stated that Surani had sent him a bank account number for the purposes of allowing Crocker to pay Suriani drug commissions. Surani accepted that the account number 010948916 was his personal bank account number.⁸⁹ The unchallenged phone records demonstrated that the number 010948916 was sent via text message from the phone bearing the number 81463432 to B1-HP1 on 8 March 2014. The objective record of the text message containing Surani’s personal bank account number was strong evidence that the mobile phone that had sent the text message was used by Surani.

⁸⁷ Ramdhan’s closing submissions, para 44(3)–(4).

⁸⁸ Ramdhan’s closing submissions, para 33(13).

⁸⁹ NE Day 10, p 42.

85 The phone number 81463432 was saved in Ramdhan’s phone as “Bee Hock”. I note at this point that Surani admitted that he was also known as “Bujang Hawk” by some of his friends.⁹⁰ There was a distinct possibility that “Bee Hock” was merely a codeword or a nickname crafted based on the first letter “B” of the name “Bujang” for “Bee” and “Hock” as a homophone of the word “Hawk”. Ramdhan claimed that “Bee Hock” was the name of an illegal cigarette seller in Geylang whom he bought cigarettes from regularly. I reject this claim for four reasons:

- (a) It was unlikely that Crocker would have known of the same illegal cigarette seller from Geylang.
- (b) It was even more unlikely that Crocker would have chosen to save the contact of the purported illegal cigarette seller as “Bujang” which just happened to be Surani’s nickname.
- (c) Ramdhan’s claim would lead to the incredible coincidence that this purported illegal cigarette seller had randomly sent Crocker a string of numbers via text message that happened to correspond with Surani’s personal bank account number.
- (d) On top of (a)–(c), it was unrealistic that Crocker, Ramdhan and this purported illegal cigarette seller would have happened to be in regular contact on the day of the alleged transaction.

86 I note that the Prosecution had urged me to draw an adverse inference against Ramdhan pursuant to s 116, illustration (g) of the Evidence Act (Cap 97, 1997 Rev Ed) for failing to call the purported illegal cigarette seller as a witness. Illustration (g) states that the court may presume “that evidence which

⁹⁰ NE Day 10, p 7.

could be and is not produced would if produced be unfavourable to the person who withholds it”. I decline to exercise my discretion to draw an adverse inference as the present case does not rise to meet the exceptional circumstances required for such an inference to be drawn against an accused (see *Public Prosecutor v Muhammad Farid bin Mohd Yusop* [2015] 3 SLR 16 at [47]). Nevertheless, even without the adverse inference, on the strength of the points at [83]–[85] above, I find that Surani was using a mobile phone bearing the number 81463432 at the material time.

87 Second, there was no motive for Crocker to implicate the Surani. In fact, Surani claimed that Crocker was his good friend.⁹¹ Conversely, there was a motive for Surani and Ramdhan to disclaim any suggestion that there was a flurry of telephone calls between Crocker, Ramdhan and Surani, since this would implicate them in criminal activities.

88 Third, the fact that the Prosecution had applied for a discharge not amounting to an acquittal in respect of a drug trafficking charge against Surani is not fatal to their case. Given that the charge could be reinstated against Surani at any time, the discharge not amounting to acquittal was not necessarily inconsistent to the Prosecution’s case that Surani was the coordinator of the alleged transaction.

89 Fourth, while Surani claimed that Crocker wrote the AGC letter (which purported to exonerate Surani) willingly and Crocker claimed that he was pressured into writing it,⁹² regardless of Crocker’s motivations for writing the AGC letter, I find that the existence of the AGC letter was of little probative value, given that it was contradicted by several other pieces of evidence. The

⁹¹ NE Day 9, p 34

⁹² NE Day 10, p 156.

AGC letter, which was not admitted into evidence, was clearly contradicted by Crocker's statements to the police on the day of his arrest, as well as his subsequent testimony at trial, where he implicated Surani. The AGC letter was also contradicted by objective bank records⁹³ which showed that an individual (who Surani agreed was Crocker) was depositing money into Surani's personal bank account, including sums ranging between \$200 to \$300.⁹⁴ Surani claimed that Crocker was depositing the money purely as an act of charity. However, I note that the deposit of these sums would corroborate Crocker's testimony that he was giving sums of money ranging between \$200 to \$300 as commissions for facilitating drug transactions.

90 Therefore, I find that Surani did coordinate the transaction between Crocker and Ramdhan. This provides useful context as to how Crocker and Ramdhan had arranged the alleged transaction, and further fortifies my conclusion that the alleged transaction did take place in the manner described by Crocker.

Finding on Ramdhan's guilt

91 Given my finding that the alleged transaction did take place, I am of the view that the Prosecution has established beyond a reasonable doubt that the act of trafficking had taken place. For similar reasons, the Prosecution has also successfully invoked the presumption under s 18(2) of the MDA to establish that Ramdhan had the requisite degree of knowledge, since Ramdhan was in possession of the bundles in the course of the alleged transaction. Ramdhan did not adduce any evidence to rebut this presumption on the balance of probabilities. Accordingly, the charge against Ramdhan is made out.

⁹³ P179.

⁹⁴ NE Day 10, pp 56–62.

Crocker's guilt

92 Crocker was charged with having in his possession 29.51 grams of diamorphine for the purposes of trafficking under s 5(1)(a) read with s 5(2) of the MDA (see [1] above).

93 Crocker was found in possession of the D10 bundles. He admitted to having knowledge of the contents of the D10 bundles. There was no dispute on either of these two points. Hence, the elements of possession and knowledge were proved beyond a reasonable doubt. What is in dispute was whether the entire quantity of drugs in the D10 bundles was in Crocker's possession for the purposes of trafficking.

94 The Prosecution argued that Crocker had intended to sell the entirety of the D10 bundles. They based this position primarily on Crocker's contemporaneous statements, where he made no mention of intending to keep any portion of the D10 bundles for his own consumption.

95 In the alternative, the Prosecution urged this court to find that Crocker only intended to keep a 2-week supply of heroin, with a daily rate of consumption of 5 grams. This would still put the amount of drugs that Crocker intended to traffic at above the capital weight.

96 Crocker's case was that while some of the heroin in the D10 bundles was for the purpose of sale, he had intended to consume a significant amount of the heroin in the D10 bundles. This would have reduced the amount of drugs that he intended to traffic below the capital weight of 15 grams of diamorphine. Based on the fact the D10 bundles contained 902.5 grams of heroin which was analysed to contain 29.51 grams of diamorphine, Crocker's case in essence was

that he had intended to consume more than 443 grams of heroin, close to 50% of the amount of heroin in the D10 bundles.

97 I pause at this juncture to note that counsel for Crocker also argued that Crocker was suffering from such abnormality of the mind that would bring Crocker's condition within the ambit of s 33B(3)(b) of the MDA. As this is an issue for the sentencing stage, I will not consider this argument in this judgment.

98 The key issue before the court is whether Crocker had intended to sell an amount of drugs from the D10 bundles above the capital threshold. In my view, the evidence clearly points to the conclusion that Crocker did intend to traffic an amount of drugs above the capital weight.

99 The main plank in support of the Defence's case is Crocker's testimony at trial as well as certain statements made during two psychiatric examinations in 2016 to the effect that he had intended to keep approximately 50% of the bundles for his own consumption.⁹⁵ Crocker also testified separately that he had a practice of setting aside around 30 packets of heroin (8 grams each packet) out of each 451-gram bundle of heroin for his own consumption.⁹⁶ I note that this claim of setting aside 30 packets of heroin goes further than necessary to support Crocker's case, since he would only need to intend to consume an amount slightly below 50% of each bundle in order to bring his charge below the capital weight.

100 I reject Crocker's claim that he intended to keep approximately 50% (or more) of the bundles for his personal consumption and instead find that Crocker

⁹⁵ NE Day 10, p 124; P181.

⁹⁶ NE Day 12, pp 6–8.

had intended to traffic more than the capital amount of drugs from the D10 bundle. I have arrived at this conclusion for three reasons:

- (a) Crocker’s claim is inconsistent with his statements made close to the date of his arrest;
- (b) Crocker’s claim is inconsistent with his own evidence on his rate of consumption and frequency of supply;
- (c) Crocker’s claim is impossible given the amount of profit he earned from his trafficking activities.

101 I will explain each reason in turn.

Crocker’s contemporaneous statements

102 Crocker’s statements made at or close to the date of his arrest did not indicate any intention to set aside 50% of the drugs in D10 for his own personal consumption. Crocker’s contemporaneous statement given on the day of the arrest on 19 March 2014, P60, affirmed that the drugs in the D10 bundles was “for selling”, and no mention was made of personal consumption.⁹⁷ His cautioned statement taken in the morning of the next day was an unqualified admission of guilt and also did not raise a consumption defence.⁹⁸ Similarly his long statements recorded within a week of his arrest did not mention that any part of the drugs in the D10 bundles was for his own consumption. Notably, Crocker did discuss personal consumption when describing the heroin in the D4 packets (which is not the subject of the trafficking charge he faces) in his long statements.⁹⁹

⁹⁷ NE Day 14, p 6; AB, p 92.

⁹⁸ AB, pp 321–322.

103 Crocker’s first mention of setting aside 40-60% of the drugs in the D10 bundles for his own personal consumption came two years after his arrest, during an interview in 2016 with the Defence expert witness on drug consumption Dr Ung Eng Khean (“Dr Ung”) and also during an interview with the Prosecution expert witness on drug consumption Dr Rasaiah Munidas Winslow (“Dr Winslow”).¹⁰⁰

104 At trial, Crocker did not provide a convincing explanation as to why he did not mention his personal consumption defence until two years after his arrest. Crocker claimed that the reasons for his oversight was that he was in a state of drug withdrawal after his arrest.¹⁰¹ However, I do not believe that his purported state of drug withdrawal materially impacted the accuracy of his statements. When asked at trial, he repeatedly affirmed that despite the fact that he was not feeling well, his statements were accurate.¹⁰² Further, he was more than capable of stating that the D4 packets were for his personal consumption at the time.

105 As such, Crocker’s belated assertions in 2016 provide little to no support for his claim at trial that he intended to consume 50% of the heroin in the D10 bundles.

Crocker’s rate of consumption and frequency of supply

106 Crocker’s own evidence of his rate of consumption and frequency of supply contradicted his claim that he intended to consume 50% of the D10 bundles.

⁹⁹ AB, p 339.

¹⁰⁰ 2D1; P181.

¹⁰¹ NE Day 10, p 111.

¹⁰² NE Day 11, pp 32 and 34; NE Day 13, p 8.

107 The evidence suggested Crocker would keep a 2-week supply of heroin. In his long statement, P82, Crocker stated that he would replenish his supply of heroin once every 1–2 weeks.¹⁰³ At trial, Crocker agreed that this figure was accurate.¹⁰⁴ Both the Defence and Prosecution’s expert witnesses on drug consumption agreed that it was a reasonable assumption that Crocker would keep a 2-week supply, based on the fact that a drug trafficker would usually keep enough for his own consumption to last till the next supply of drugs.¹⁰⁵

108 Crocker’s evidence on his daily rate of consumption was inconsistent. His statements given to the CNB in 2014 indicated a rate of 5 grams of heroin per day. In 2016, during his interview with Dr Winslow, he gave a figure of 8 to 10 grams of heroin per day. At trial, Crocker’s final position was that he would consume between 8 to 12 grams of heroin per day.¹⁰⁶ I recognise the force of the Prosecution’s argument that there was a real possibility of Crocker falsely increasing his rate of consumption in order to bolster his defence.¹⁰⁷ However, it is unnecessary to decide on precisely which rate of consumption should be taken as accurate. This is because even taking Crocker’s case at its highest, in other words assuming that: (a) he intended to set aside a two week supply of heroin out of the D10 bundles and (b) he consumed heroin at a rate of 12 grams per day, this would indicate that Crocker intended to set aside 168 grams of heroin from the D10 bundles (which contained 902.5 grams of heroin) for his own personal consumption. This figure is inconsistent with Crocker’s claim that he intended to keep 50% of the D10 bundles for his own consumption and falls

¹⁰³ AB, P 329.

¹⁰⁴ NE Day 11, p 94.

¹⁰⁵ NE Day 13, p 112; NE Day 13, p 80–81.

¹⁰⁶ NE Day 11, p 129.

¹⁰⁷ Prosecution’s Closing Submissions para 207.

far short of the amount required to bring the amount of drugs trafficked below the capital weight.

109 As an aside, I note that there was some dispute at trial as to the precise severity of Crocker's drug withdrawal symptoms at the time of his arrest as well as the implications this would have on his rate of consumption. However, given my finding that even using Crocker's highest provided rate of consumption, his claim would be untenable, I find it unnecessary to decide on these points.

The amount of profit earned

110 Crocker's claim that he intended to consume 50% of the drugs in the D10 bundles was impossible given the amount of profit he had actually earned.

111 Crocker readily and consistently admitted in his statements and at trial that he had earned a sum total of approximately \$39,000 solely from his drug trafficking activities.¹⁰⁸ This figure was derived based on the money found on his person, in his bank account, and the money he had handed to Ramdhan. Crocker also testified that his only source of income at the time of his arrest was drug trafficking.¹⁰⁹ The Prosecution argued at trial that Crocker would have fallen far short of the amount of profit he had earned, if he had consumed 50% of the drugs he purchased. The Prosecution suggested that Crocker would only have made around \$16,080 based on his testimony of how often he bought bundles.¹¹⁰

¹⁰⁸ NE Day 11, pp 62, 92—100; AB, p 340; P187.

¹⁰⁹ NE Day 10, p 149.

¹¹⁰ P187 [E].

112 A careful examination of the figures reveals that a much stronger point can be made: if Crocker's claim were true, he would not have made any profit at all, but instead would have made a loss out of each bundle.

113 Crocker testified that he would purchase each bundle of approximately 451 grams of heroin for \$4,600. He would split this bundle into packets of 8 grams each,¹¹¹ allowing him therefore to prepare a total of 56 packets from each bundle of heroin. Each of these packets would then be sold for \$130.¹¹² In other words, Crocker would have been re-packed each bundle of approximately 451 grams of heroin into approximately 56 packets each of 8 grams with a selling price of \$130 per packet.

114 If Crocker had kept 50% of every bundle (or 28 packets) for his own consumption as claimed, he would only have sold 28 packets of heroin, which amounts to a revenue of only \$3,640 per bundle. This would mean that if Crocker's claim were correct, *instead of making any profit at all, he would have made a loss of \$960 per bundle (based on the \$4,600 cost price per bundle less the total revenue of \$3,640 from the sale of 28 packets from each bundle)*. This flies in the face of the objective evidence that he had made around \$39,000 in profit from his drug trafficking activities. Crocker had to find a way to explain away this objective evidence, which he was obviously unable to do.

115 I make two further observations on the admissions and figures provided by Crocker. First, the calculations above do not take into account other non-drug related monthly expenses of approximately \$1,800 he had to shoulder.¹¹³ For greater precision, these expenses should have been factored in, given that

¹¹¹ NE Day 10, pp 135–137.

¹¹² NE Day 11, p 106.

¹¹³ NE Day 11, p 59.

he had no other sources of income. If his monthly expenses were to be additionally taken into account, his claim that he intended to consume 50% of the drugs he had bought would be much less plausible.

116 Second, Crocker testified that he started selling heroin from sometime around August 2013,¹¹⁴ and would purchase approximately two bundles every two weeks.¹¹⁵ Based on these figures, Crocker could only set aside a maximum of 12 8-gram packets per bundle for personal consumption and he would have to sell the other 44 packets, *in order to have made the amount of profit he did by the time he was arrested*. This calculation does not take into account his monthly expenses, which as I earlier explained, would have put the figure even further away from his claim that he would consume 50% of every bundle he purchased.

117 A detailed table of my calculations for this entire section can be found in Annex 1 of this judgment.

118 Therefore, based on the figures and admissions provided by Crocker himself, it would have been mathematically impossible for him to have kept 50% of every bundle for his own consumption.

Finding on Crocker's guilt

119 On the totality of the evidence as evaluated above, I am satisfied that Crocker did not intend to consume any amount close to 50% of the heroin in the D10 bundles. Thus, I find that the Prosecution has proved that Crocker had intended to traffic an amount of drugs above the capital weight beyond a reasonable doubt. Coupled with the fact that the elements of possession and

¹¹⁴ NE Day 10, p 87

¹¹⁵ NE Day 12, p 66.

knowledge have been proved beyond a reasonable doubt, the charge against Crocker is made out.

Conclusion

120 For the reasons given above, the Prosecution has proved their case against Ramdhan and Crocker beyond a reasonable doubt and I convict both accused persons accordingly.

121 I shall hear submissions on sentence from the parties on a date to be fixed.

Chan Seng Onn
Judge

Shahla Iqbal and Carene Poh (Attorney-General's Chambers) for the
Public Prosecutor;
Rupert Seah Eng Chee (Rupert Seah & Co) and B Uthayachanran
(Essex LLC) for the first accused;
Luke Lee (Luke Lee & Co) and Sankar Saminathan (Sterling Law
Corporation).

Annex 1

A.1 Profit per bundle of heroin (451 grams) = \$2680 with nil consumption

Cost price of 1 bundle of heroin	Number of 8g packets that can be packed from 1 bundle of heroin	Total revenue for 56 packets	Profit from 1 bundle of heroin (assuming Crocker does not consume any heroin from the bundle)
\$4600	Total weight of 1 purchased bundle ÷ weight per packet 451g ÷ 8g per packet = <u>56 packets</u> (rounded down)	Number of packets × sale price per packet 56 × \$130 = <u>\$7280</u>	Total revenue – cost price \$7280 - \$4600 = <u>\$2680</u>

A.2 Loss per bundle of heroin if Crocker consumes 50% of each bundle received (ie consumption of 28 packets and sale of 28 packets from each bundle by Crocker)

Cost price of 1 bundle of heroin that provides for a total of 56 packets	Total Revenue for sale of 28 packets (assuming sale of 50% of each bundle of heroin)	Loss from 1 bundle of heroin (assuming consumption of 50% of each bundle of heroin or consumption of 28 packets)
\$4600	Number of packets × sale price per packet 28 × \$130 = <u>\$3,640</u>	Total Revenue – Cost Price \$3,640 - \$4600 = <u>- \$960</u>

A.3 Estimate of the average number of packets to be set aside for sale and for consumption from each bundle of heroin based on profit of \$39,000

(a) Crocker's drug trafficking activities stretched from 1 August 2013 to 19 March 2014 (*ie* 231 days) = 33 weeks of drug trafficking.

(b) In 33 weeks, Crocker earned a total profit of \$39,000 (based on the amount of money found on him). Therefore, Crocker would have to earn $\$39,000 \div 33 \approx \$1,182$ of profit on average per week from his sale of heroin.

(c) Crocker purchased 2 bundles every 2 weeks, *ie* he purchased on average of one bundle per week, which provided him with 56 packets per week for both his trafficking and his own consumption.

(d) To make an average profit of \$1,182 per week and bearing in mind his cost price of \$4,600 per bundle per week, Crocker must therefore sell enough packets of heroin at \$130 per packet to make a total revenue of $\$1,182 + \$4,600 = \$5,782$ per week. In other words, Crocker needed a total revenue of \$5,782 per week in order to make an average profit of \$1,182 per week so as to be consistent with the objective evidence of \$39,000 found on him, which were undeniably his profits from trafficking over a period of 33 weeks.

(e) Therefore, Crocker needed to sell at least $\$5,782 \div \130 per packet ≈ 44.48 or 44 packets per week to earn an average profit of \$1,182 per week. That leaves Crocker with only $56 - 44 = 12$ packets for his own consumption.

(f) Accordingly, Crocker's allegation that he consumed as much as 50% of each bundle or 28 packets each week is ***wholly inconsistent*** with the fact that he would need to sell at least 44 packets out of the 56 packets or 78.5% of each bundle in order to earn a profit of \$39,000 over his period of trafficking of 33

weeks. These calculations show that Crocker could only consume at the most 12 out of 56 packets or 21.5% of each bundle and not 28 packets or 50% of each bundle as alleged by Crocker in his defence. His defence of consumption fails.