

Public Prosecutor v Jimmy Goh Chye Soon
[2000] SGHC 278

Case Number : CC 74/2000
Decision Date : 23 December 2000
Tribunal/Court : High Court
Coram : Choo Han Teck JC
Counsel Name(s) : Jaswant Singh and Thong Chee Kun [Attorney-General's Chambers] for the prosecution; Tan Teow Yeow [Tan Teow Yeow & Co] (assigned) and Ong Cheong Wei [Ong Cheong Wei & Co] (assigned) for the accused
Parties : Public Prosecutor — Jimmy Goh Chye Soon

JUDGMENT:

Grounds of Decision

1. The accused was arrested by the police at Block 321 Yishun Central between 6pm and 7pm on 29 May 2000. He was searched and half a sachet of brown substance suspected to be heroin was recovered from his pocket. On 31 May 2000 he was handed over to the Central Narcotics Bureau ("CNB"). A search of his rented flat at Block 320 Yishun Central #06-327 was conducted by officers of the CNB on the same day. An array of different controlled drugs were recovered in the flat, mostly from the wardrobe in the master bedroom.
2. The flat was rented by the accused from Teo Hong Tin in March 2000. The CNB officers gained entry using keys seized from the accused and his girlfriend Annie Ng.
3. The accused was charged with 16 charges of trafficking in and possession of controlled drugs but the prosecution proceeded with the first charge only. The remaining charges were stood down. The first charge related to trafficking of 81.73g nett of heroin. The drugs were found in 80 sachets as well as in various containers including a mortar and pestle (with heroin powder on them).
4. The prosecution adduced evidence of an oral confession made by the accused to Insp Lek Lai Ann and recorded by Insp Lek in writing. The written notes were subsequently signed by the accused in acknowledgement. However, at trial the accused challenged the admission of the confession on the ground that he was assaulted and threatened into making the confession. He said that Sgt How Pek Kiong slapped him on his back and pushed him towards the wardrobe, and Insp Lek threatened to charge his girlfriend and his landlady with a capital charge unless he made the statement. In the inquiry into the voluntary nature of his confession he testified that he was told that if he made the statement he would not be charged with a capital charge.
5. I was not persuaded by his testimony and after considering the evidence on the whole, including what his counsel had put to the CNB officers in cross-examination, I am satisfied that the statements were made by him without any threat, inducement or promise. In these statements the accused gave a precise account of the type and quantity of the various drugs found in the wardrobe. He also admitted that the drugs belonged to him. He stated that only the heroin were meant for sale but the other drugs were for his personal consumption. On these evidence I was satisfied that the prosecution had made out a case against him and called upon his defence. The accused elected to give evidence. His defence was that he had no knowledge as to how the heroin got into his wardrobe but he suspected that it was put there by "Ah Seng" between 29 May 2000 and 31 May 2000. The accused claimed to be a heroin addict and Ah Seng was his supplier. He testified that it was Ah Seng who convinced him to rent the flat on the promise that he (Ah Seng) would take care of the rent as well as his heroin addiction in return for the use of space in the flat to store his (Ah Seng's) heroin.
6. The accused testified that on 29 May 2000 he woke late and craved for heroin but he had run out of stock. He arranged to collect some from Ah Seng. In the meantime he took various alternatives including "Upjohn" pills. Ah Seng drove by and handed him a sachet of heroin sometime after 5pm. He claimed that this was the sachet that was found on him when he was

arrested shortly after that.

7. The accused admitted that all the drugs found in his wardrobe belonged to him except the heroin. In my view, the way the various drugs were packed and kept made it extremely unlikely that they belonged to different persons. Furthermore, there was the unexplained powdered heroin found in the mortar and pestle inside the wardrobe. Apart from the evidence-in-chief of the accused, there was no other evidence of the existence of Ah Seng or his visits to the accused's flat. Ng Annie mentioned that once at midnight someone came calling and spoke to the accused but this evidence even if true can hardly be given any weight to the specific defence of the accused. I am unable to accept the evidence of the accused and in my judgment, all the drugs in the wardrobe belonged to him and nothing in his evidence persuaded me that the benefit of the doubt ought to be given in his favour.

8. Accordingly, I found him guilty as charged and sentenced him to suffer death.

Choo Han Teck

Judicial Commissioner

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