

NATIONAL UNIVERSITY OF SINGAPORE
FACULTY OF LAW
Academic Session 2005 / 2006 Semester I

MOCK TRIAL PROBLEM

PP V. BAWA SENAPANG

BACKGROUND

1. This is a High Court Trial. Bawa Senapang faces a charge under the Arms Offences Act (Cap. 14, 1998 Rev. Ed.) which reads as follows :-

Charge

“You, Bawa Senapang, NRIC 8234567 A, are charged that you, on 20 October 2004, at about 9:30 p.m., at 154 West Coast Road, #B3-444, Singapore 127371, did commit an offence under section 8 of the Arms Offences Act, Chapter 14 1998 Rev. Ed. by committing robbery by exhibiting an imitation arm in a manner likely to put any person in fear of death or hurt.

2. There is only one material witness for the prosecution, Chong Ti Lang. All other witnesses for the prosecution, including the Investigation Officer, are formal witnesses. Defence Counsel has indicated that the defence will not be cross examining the formal witnesses.
3. Similarly there is only one material witness for the Defence, Bawa Senapang. Prosecution has indicated that it will not cross examine any other Defence Witness.

GENERAL NOTES

4. In a criminal trial, neither the Prosecution nor the Defence would disclose the confidential instructions that their clients or the witnesses have given them. The documents in this bundle labeled **Confidential Statement** are provided only for background to guide the witnesses. None of these documents form part of the evidence. **Counsel are not permitted to make reference to either of these documents during the trial.**
5. The Examination-in-Chief of both Bawa Senapang and Chong Ti Lang must be based on their confidential statements.
6. In Criminal Trials before the High Court, a Preliminary Inquiry is held to determine whether there is sufficient evidence to commit the accused to trial in the High Court. The determination is based on written statements tendered to the Court under section 141 of the Criminal Procedure Code (Cap. 68, 1985 Rev. Ed.) (hereinafter “CPC”).

7. The documents in this bundle include documents from the Preliminary Inquiry bundle. These documents must be tendered as evidence during the Trial. Note section 141 of the CPC below :-

Written statements before examining Magistrate

141. —(1) In preliminary inquiries conducted under this Chapter, a written statement by any person shall, if the conditions mentioned in subsection (2) are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are —

- (a) the statement purports to be signed by the person who made it;
- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
- (c) before the statement is tendered in evidence, a copy of the statement is given, by or on behalf of the party proposing to tender it, to each of the other parties to the proceedings not less than 7 days before the date of hearing; and
- (d) none of the other parties, before the statement is tendered in evidence at the preliminary inquiry, objects to the statement being so tendered under this section.

(3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section:

- (a) if the statement is made by a person under the age of 21 years, it shall give his age;
- (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
- (c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under subsection (2) (c) shall be

accompanied by a copy of that document or by such information as may be necessary in order to enable the party to whom it is given to inspect that document or a copy thereof.

(4) Notwithstanding that a written statement made by any person may be admissible in preliminary inquiries by virtue of this section, the court before which the proceedings are held may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

(5) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing, and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(6) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(7) Section 368 shall apply to any written statement tendered in evidence in preliminary inquiries under this section, as it applies to a deposition taken in such proceedings.

8. As the Conditioned Statement forms part of the evidence, it is a prior statement that can be used against the prosecution witness during the Mock Trial. If there are inconsistencies between the prosecution witness' Conditioned Statement and Confidential Statement, the witness may be cross-examined on the inconsistencies.
9. For the purposes of the Mock Trials, it is not necessary for witnesses to be required to read their Conditioned Statements aloud in Court in accordance with section 141(5) of the CPC.
10. Counsel may choose the parts of the Confidential Statements on which to examine their witnesses. Witnesses **may not** depart from the Confidential Statements when giving their evidence. Some embellishment is permitted but the key facts must be as set out in the Confidential Statements.
11. For the purposes of Cross Examination, Counsel for Prosecution and Defence may assume that **all** the information set out in the Confidential Statements and Conditioned Statements was adduced during the Evidence-in-Chief. During Cross

Examination, references can be made to the Confidential Statements as Notes of Evidence : e.g. “Witness, you said in Examination-in-Chief that ... (See paragraph x of the Notes of Evidence *i.e.* the Confidential Statement).

12. If, during Examination-in-Chief, witnesses present evidence that is an embellishment that is not contrary to the information in the Confidential Statements, such evidence can also be used in Cross Examination.
 13. Where there is a contradiction between the evidence set out in the Confidential Statements and that adduced in oral Examination-in-Chief, the evidence set out in the Confidential Statements shall be deemed to be the evidence actually adduced. Counsel CANNOT make use of any differences between the evidence actually adduced and the Confidential Statements to impeach or question the credibility of witnesses.
 14. It should be assumed that when the Prosecution Witness gives evidence, all the evidence from other prosecution witnesses has already been adduced.
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PRELIMINARY INQUIRY BUNDLE

DOCUMENT 1 – Statement made by Chong Ti Lang under Section 141 of the Criminal Procedure Code (Cap. 68, 1985 Rev. Ed.)

1. My name is Chong Ti Lang. I live at 154 West Coast Road, #88-900, Singapore 127371.
2. The facts contained in this statement are true to the best of my knowledge and belief. I make this statement knowing that, if it were tendered in evidence, I would be liable to prosecution if I wilfully stated in this statement anything which I know to be false or do not believe to be true.
3. I am the owner of a shop called Backstage at 154 West Coast Road, #B3-444, Singapore 127371. This is a building more commonly known as Ginza Plaza.
4. On 20 October 2004, I was working late because there was a lot of work to do for the coming Halloween weekend. Halloween falls on 31 October of each year.
5. At about 8:30 p.m. I closed the shop after my assistant left. I switched off the main lights and shut the door but I did not lock it. I also rolled down the aluminum shutters outside the main door but I did not lock them. They can only be locked from the outside.

6. I went into the back office of my shop to clear the accounts. I fell asleep because I was very tired.
7. At around 9:30 p.m., I woke up because I heard the sound of the roller shutters outside my shop. I was very tired and my eyes were very blur so I took some time to clear my eyes. I put some eye-drops into my eyes and wiped them. Then I went outside to see what had made the noise.
8. It was very dark in my shop. The roller shutters had been pulled down so that there was only some light coming through the bottom of the shutters from the corridor outside. The only light was the from the desk lamp in my back office. I saw a shadow walking towards me holding something in his hand. As the person came nearer, I could see that the person was wearing black from top to toe including a black ski-mask and black gloves. I could not tell what race the person was. The person was holding something that looked like a gun. As he came closer, it was quite clear to me that it was a gun and I was very afraid.
9. The person came right up to me and pushed me to turn around so that I faced my back office. Then he stuck the gun into my back and pushed me towards the cupboard where my safe was. The person motioned me to open the safe and when it was open, the person reached over and took out all the cash inside. There was about \$50,000 in cash because I had received deposits for some engagements over the previous few days. Then the person brought me to the outside of the shop, tied me up and gagged me. When I was gagged, the person took off his ski mask. That was when I realized that the person was Bawa Senapang, my business partner.
10. I was so shocked I did not know what to do. Bawa grinned at me and then left the shop, closing the shutter behind him. After about 5 minutes, when I was sure that he was not coming back, I got up and freed myself using a pair of scissors I had in the back office and ran out of the shop towards the security office on the 1st floor.
11. I was running past the taxi stand when I saw someone in black getting into a taxi. I stopped and looked more carefully and it was Bawa. He looked out of the taxi window as it drove off and gave me a thumbs-up sign. Then the taxi drove away. I was so shocked that I didn't do anything for a while. I recovered after a few minutes and reported the matter to the security office. They called the police.
12. The police came about 15 minutes later. They took my statement and then went to Bawa's house. I am told that they arrested Bawa that night. I have not seen Bawa since.

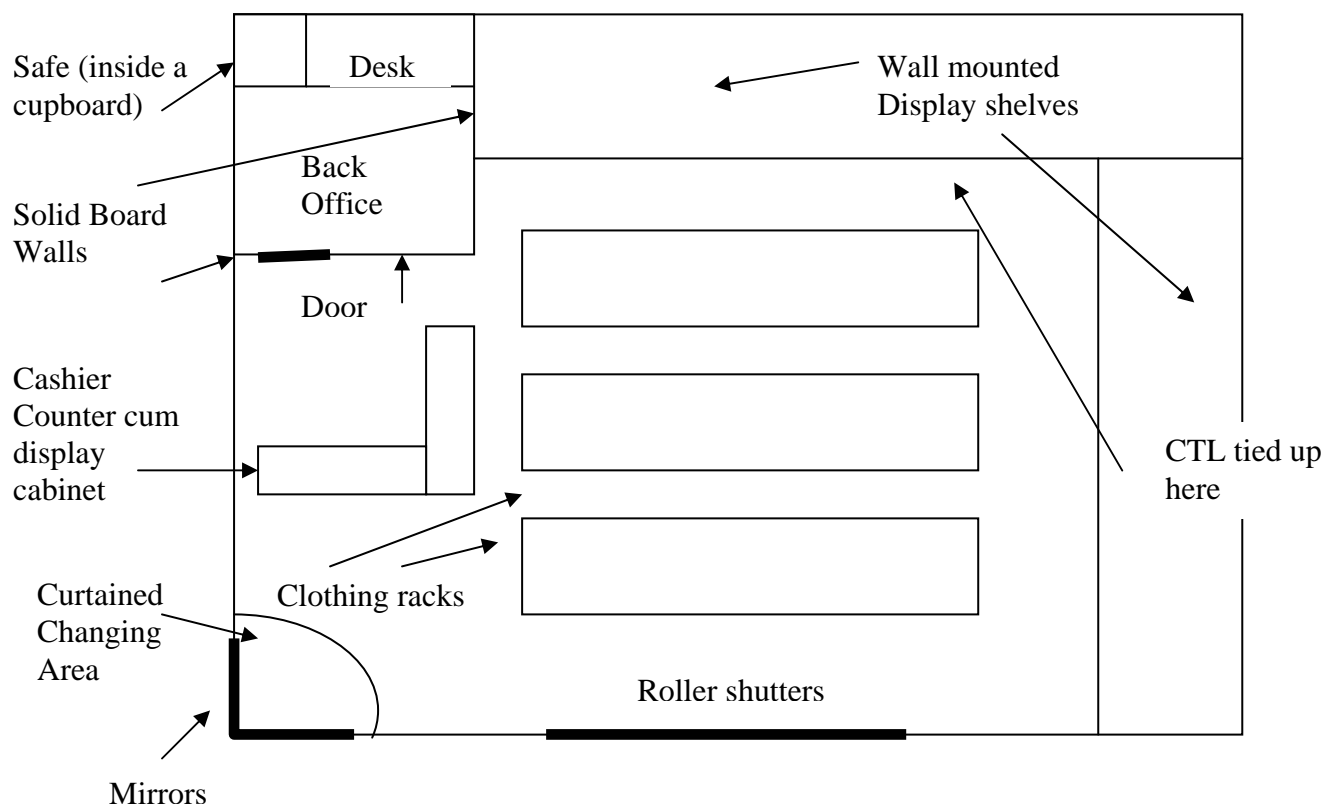
13. I have been asked to produce a sketch map of my shop. It is attached to this statement.

14. That is all.

Signed Chong Ti Lang
Dated 20 January 2005

PRELIMINARY INQUIRY BUNDLE

DOCUMENT 2 Sketch Map of Backstage drawn by Chong Ti Lang on 20 January 2005



PRELIMINARY INQUIRY BUNDLE

DOCUMENT 3 – Statement made by IO How Zhin Cha under Section 141 of the Criminal Procedure Code (Cap. 68, 1985 Rev. Ed.)

1. My name is How Zhin Cha. I am the Investigating Officer in this case.
2. I was on patrol on Thursday 20 October 2004 in the vicinity of West Coast Road when the Police Call Centre notified me of a 999 call from Ginza Plaza. I arrived at Ginza Plaza at about 9:45 p.m. and was met at the entrance by security officers who brought me to Unit B3-444. This appeared to be a costume shop called Backstage.
3. I introduced myself to Mr Chong Ti Lang who told me he was the owner of the shop. He told me that his partner, Bawa Senapang had robbed him of \$50,000 at gun-point about 15 minutes before and that he saw Bawa Senapang leaving Ginza Plaza in a taxi. He was unable to tell me the colour of the taxi.
4. Mr Chong's eyes were red and appeared swollen and he was tearing continuously. I asked him whether he was crying and he said that his eyes were in pain because he was suffering an allergic reaction.
5. I immediately informed the Police Call Centre to alert all taxi operators to be on the look-out for the suspect. Then I obtained the suspect's home address from Mr Chong and sent officers to the location to apprehend the suspect. That team was lead by SSGT Mahtar Kuching.
6. I was shown around the shop by Mr Chong. He showed me the open safe and the location where he was bound and gagged. He also showed me some ribbon that appeared to have been cut and a black bandage that he said was used to gag him. He also showed me how dark it was when the suspect entered the shop by switching off all the lights and rolling the shutters down until only some light was showing from the bottom. The only light source was from his back office. At this point it was so dark I could barely make out his features at the location where he said he was bound and gagged.
7. I brought Mr Chong back to the Division Headquarters and took a statement from him. At about 10:30 p.m. I received information from SSGT Mahtar that the suspect had been arrested at his house in Serangoon Gardens. I told SSGT Mahtar to bring the suspect in for questioning and to search the premises for suspicious items.
8. SSGT Mahtar returned to Division Headquarters with the suspect at 11:30 p.m. I questioned the suspect and obtained a statement from him. He was cooperative. He

was dressed in a black shirt, black pants, black shoes and socks. He carried a backpack which contained black gloves, a black bullet proof vest, a black ski-mask and an imitation Smith & Wesson Magnum Revolver 520.

9. After I finished questioning the suspect, I accompanied the suspect to his house which I searched. I found a large folder containing information about the Smith & Wesson Magnum Revolver 52, including large pictures showing the details of the revolver. I also found a diary extracts of which I have produced as exhibits.
10. The following day, I made further investigations and found that there was a POSBANK cash deposit machine on the third floor at Ginza Plaza. I obtained a warrant and discovered that \$50,000 cash was deposited into an account belonging to Bawa Senapang and a woman named Halijah Salim at 9:36 p.m. on 20 October 2004.
11. Further investigations show that Halijah Salim was the late mother of the suspect. Her death certificate shows that she passed away in Tuscany, Italy in August 2003.
12. I obtained a court order for the video footage taken at the POSBANK cash deposit machine for 20 October 2004. The tape shows Chong Ti Lang making a deposit at the machine at 8 p.m. on 20 October 2004. A fault in the camera caused it to stop recording at 9 p.m. There is no record of the person who made the deposit at 9:36 p.m. Records show that a deposit was made at the machine, but I was unable to ascertain the identity of the person who made the deposit.
13. The suspect also had an outstanding loan with DBS Bank for \$250,000. According to the terms of the loan, the monthly repayment was \$4,000. The loan was in the joint names of the suspect and the Halijah Salim and was taken out in July 2003. According to the documents I obtained from the bank, the loan repayments had been outstanding for 12 months. The \$50,000 credited into the suspect's account on 20 October 2004 was automatically deducted towards the repayment of the loan and interest on 21 October 2004, leaving \$2,500 in the account.
14. The documents provided by the bank show that the bank had been tolerant of the outstanding loan repayment up to August 2004. A letter dated 24 September 2004 from the bank gave the suspect a final notice to make full payment within 30 days or the bank would commence legal proceedings to foreclose on the mortgage.
15. I had the suspect brought in for further questioning and took a second statement from him. He showed me documents indicated that he had a UOB account in which he had about \$300,000. This account is not used frequently. The last deposit of \$200,000 was made in December 2003. According to the suspect, this was the insurance money

from a policy that his mother had taken out. The account shows that no withdrawals were made since July 2003.

16. I also brought Mr Chong in for further questioning and took a statement from him.
17. The facts contained in this statement are true to the best of my knowledge and belief. I make this statement knowing that, if it were tendered in evidence, I would be liable to prosecution if I wilfully stated in this statement anything which I know to be false or do not believe to be true.
18. That is all.

Signed How Zhin Cha
Dated 2 January 2005

PRELIMINARY INQUIRY BUNDLE
EXHIBIT 1

This is a folder with print outs from the Internet showing details of the Smith & Wesson Magnum Revolver 520 and its operation. All printouts are dated between 30 September 2004 and 13 October 2004.

PRELIMINARY INQUIRY BUNDLE
EXHIBIT 2 – Extract from diary of Bawa Senapang *Entries are undated. Entries appear in the order that they appear in the diary.*

... I am very happy today. I have met the love of my life. She is beautiful. Mum would have loved her. This is the woman I am going to marry. ... Wonderful that I now have a good job and money and a woman I love. Things are turning out well. ...

PRELIMINARY INQUIRY BUNDLE
EXHIBIT 3 – Extract from diary of Bawa Senapang *Entries are undated. Entries appear in the order that they appear in the diary.*

... The boss is cheating me. I know it. He is committing us to more than we can afford. If we expand too fast, we will go under. I want to get married and I don't want to be in debt. He doesn't listen to me. ...

PRELIMINARY INQUIRY BUNDLE

EXHIBIT 4 – Extract from diary of Bawa Senapang *Entries are undated. Entries appear in the order that they appear in the diary.*

... He asks a lot of questions. So what if I have money. I cannot touch it. He owes me for what I have given to the business. It's my share of the business. If he doesn't treat me well, I will set up on my own. People like me not him. Love will keep me strong. She says I should start on my own. She is beautiful and clever. She got me it for me today. It's real. My toy one looks very fake next to it. And she is not even in trouble for it. She is so smart. Throw it away after, she told me. Go to a different floor and find the rubbish chute and throw it away. She is brilliant. ...

PRELIMINARY INQUIRY BUNDLE

EXHIBIT 5 – Extract from diary of Bawa Senapang *Entries are undated. Entries appear in the order that they appear in the diary.*

... He intends to kick me out. He is keeping things from me. Either that or he wants my money. I will have to think of a way to get out without being cheated. We got a lot of cash these few days. Maybe I can take it and run. But where will I run to ? I may lose the house. She tells me that if I cannot manage money she cannot accept me. She must know about the house. I cannot touch Mum's money. I will find it somewhere. ...

PRELIMINARY INQUIRY BUNDLE

EXHIBIT 6 – Extract from diary of Bawa Senapang *Entries are undated. Entries appear in the order that they appear in the diary. This is the last entry.*

... He told me not to go to work today. He is firing me. I am going to get back at him. He has cheated me of my fair share and I am going to get it back. He will not get away with this. His eyes are bad today. He will not see well. This will solve all my problems at once. No one will believe him. There will be no signs. Everyone will think it is a joke. Then I quit before he fires me. No need to give reason. I can start on my own. ...

PRELIMINARY INQUIRY BUNDLE

DOCUMENT 4 – Statement made by SSGT Mahtar Kuching under Section 141 of the Criminal Procedure Code (Cap. 68, 1985 Rev. Ed.)

1. My name is Mahtar Kuching. I am a Staff Sergeant in the Singapore Police Force.

2. On 20 October 2004, at about 9:50 p.m., I was instructed by IO How Zhin Cha to proceed to No. 5559 Serangoon Gardens, Singapore 555999 and there to apprehend one Bawa Senapang on suspicion of armed robbery.
3. At the time that I received the instructions, I was traveling in a patrol car along Thomson Road. I immediately directed my colleague who was driving to go towards Serangoon Gardens. We had our sirens on and made good time.
4. We arrived at the suspect's house at about 10:20 p.m. The house was dark and did not appear to be occupied. We parked our vehicle in the shadow of a tree some distance from the house and observed the area for about 10 minutes.
5. At about 10:30 p.m., a yellow Citicab taxi drove up to No. 5559 and a Malay man dressed in all black carrying a black backpack stepped out of the taxi. He walked to the gate of No. 5559 and opened the gate. He entered the premises and opened the main door.
6. I took note of the registration of the taxi and entered the gate of the suspect's house before he shut his main door. He saw me entering and kept the door open and waited for me. When I approached him, he smiled at me and asked me "Can I help you ?"
7. I asked him for his name and he identified himself to me as Bawa Senapang. He volunteered his identity card and I checked his particulars. Then I told him that he had been accused of committing a robbery at Ginza Plaza. He told me he worked there and just returned from there but he denied having committed robbery.
8. I searched his backpack and found a ski-mask, a bullet proof vest and a toy gun that was made to look like a Smith & Wesson Magnum Revolver 520. I asked the suspect about this and he told me that it was part of a costume for some entertainment he was doing. There was no money in the backpack or on his person except for about \$15 in his wallet.
9. I also searched his premises and found nothing suspicious.
10. I brought him back to Division Headquarters for questioning by the IO. At headquarters I also contacted the taxi driver who had dropped the suspect off at his home. The taxi driver said that he had picked up the suspect from Ginza Plaza at about 9:40 p.m. and had driven him directly to Serangoon Gardens.
11. The facts contained in this statement are true to the best of my knowledge and belief. I make this statement knowing that, if it were tendered in evidence, I would be liable to prosecution if I wilfully stated in this statement anything which I know to be false or do not believe to be true.

19. That is all.

Signed Mahtar Kuching
Dated 4 January 2005

PRELIMINARY INQUIRY BUNDLE

DOCUMENT 5 – Statement made by Chong Ti Lang to IO How Zhin Cha at 10:50 p.m. on 20 October 2004

1. My name is Chong Ti Lang. I live at 154 West Coast Road, #88-900, Singapore 127371.
2. I own a shop called Backstage at Ginza Plaza. My partner is Bawa Senapang. I believe that Bawa Senapang robbed me of \$50,000 tonight.
3. I was working late and was alone at about 9:30 p.m. when Bawa came into the shop. He had a gun with him and he waved it in my face. Then he took me to the safe and asked me to open it. When I refused, he opened the safety catch of the gun in my face. The gun looked very real to me and he looked like he was going to use it on me.
4. I was so frightened that I did what I was told and opened the safe. He took out all the money inside - \$50,000. Then he tied me up and gagged me and left the shop.
5. I know it was Bawa who robbed me because I could see his face. He was wearing a ski-mask when he came into the shop but he took it off after he had tied me up and grinned at me. I am also sure it was Bawa because no one else knew I had so much money in the safe that night.
6. No one has access to my safe except me. Although Bawa is my partner, I have not given him the combination number to the safe. He does not mind. This is for security purposes.
7. I freed myself about 10 minutes after Bawa left and went upstairs to the 1st floor security office to report the robbery. Before I got to the security office, I passed the taxi stand and saw a taxi driving off. Bawa was inside. I was so shocked that I did not do anything for a while. By the time I told the security guard, the taxi was gone. It was too dark for me to see what the colour of the taxi was, or the registration number.
8. That is all.

Signed
Chong Ti Lang
Dated 20 October 2004

PRELIMINARY INQUIRY BUNDLE

DOCUMENT 6 – Statement made by Bawa Senapang to IO How Zhin Cha at 1 a.m. on 21 October 2004

1. My name is Bawa Senapang and I am part owner of Backstage at Ginza Plaza, Unit B3-444.
2. I live alone at No. 5559 Serangoon Gardens, Singapore 555999. This house was left to me by my mother. She passed away last year.
3. I did not rob Backstage. I am a business partner. Why would I rob myself ?
4. I did not go to work today because at about 9 in the morning, my business partner Chong Ti Lang called me at home and told me that I should take a rest for the day. I was surprised that he would say that because we had a lot of work to do to prepare for some Halloween parties and also because October is our busy season. Chong told me that he had asked our sales assistants Bo Tee and Gao Siam to come in and I should take a rest because it was the fasting month.
5. I considered it for a moment and agreed to take the day off. I reminded him to bank in the money that we had received for deposits in the previous few days. There was about \$50,000 in our safe. I was going to bank it in yesterday but Chong told me that he would go to the bank today.
6. At about 6 p.m. I got very bored and decided to practice my entertainment skit for Halloween. I was supposed to be a terrorist. This involves wearing all black, including a ski-mask, and bullet proof vest. It also includes an imitation gun that is very well made. I put the entire costume and spent the evening practicing my lines. I was very bored at about 8:15 p.m. and decided to go and surprise Chong. So I put the more obvious parts of the costume into a black backpack and took a taxi from my home in Serangoon Gardens to Ginza Plaza.
7. When I got there it was about 9 p.m. I put on the ski-mask and the bullet proof vest and went to the shop. The shutters were closed but I knew that Chong would be inside alone, counting money. So I opened the shutters and crept up to him in the back office. He was sleeping. I woke him up by pushing the gun in his face and telling him “This is a stick-up.” He woke up. His eyes were all red and swollen and he had difficulty opening them up. He scolded me.

8. I asked him about his eyes. He said that he had reacted badly to some eye-liner we had tried for a costume yesterday. We had a good laugh and I went home. I caught a taxi waiting outside Ginza Plaza. As the taxi drove off, I saw Chong walking by – probably on his way home – he lives in the apartments in the same building. So I gave him a thumbs-up sign.
9. When I got home, I was just in my door when a police officer came and told me that I was under arrest for robbery. I did not rob Backstage and I do not know why Chong would accuse me of this.
10. That is all.

Signed
Bawa Senapang
Dated 21 October 2004

PRELIMINARY INQUIRY BUNDLE

DOCUMENT 7 – Statement made by Bawa Senapang to IO How Zhin Cha at 3 p.m. on 21 October 2004

1. I have a POSBANK account. This was a joint account that I shared with my mother. I did not change the account particulars after my mother passed away.
2. I used this account for all my transactions. My pay was credited into the account. I gave the account number to Chong, and he transferred my pay into it on the 18th of every month. He did this through the Internet.
3. My pay every month varies because it depends on the net takings for the month. Ever since Chong made me a part owner in July 2004, he has given me 35% of the profits as my pay. It was supposed to be 40% but he was deducting 5% as my partnership contribution to the business. I trusted him to do the accounts.
4. 35% of the profits is about \$3,500. It's about the same as what I got as pay before July 2004 but Chong told me that my 5% contributions would make me a business partner. He did not show me any accounts. I trusted him.
5. I have an outstanding loan with DBS Bank. My mother and I took out the loan in July 2003 to pay for our house in Serangoon Gardens. At the time my mother was working as personal assistant to the CEO of a multinational company. She was very

well paid and received about \$8,000 a month. With my S\$3,000 a month, we felt very comfortable to take a loan that would require repayments of \$4,000 a month.

6. My mother passed away suddenly one month after we took the loan. She was on holiday with her boss in Tuscany when she drowned in the swimming pool of the villa they were living in. I was very upset.
7. My mother had insurance. I put the insurance money into a separate bank account. There was about \$200,000. This is in a UOB account. I am an only child so I inherited everything. I have never met my father.
8. The other money in the UOB account was from my mother's savings. She saved her bonuses every year and gave it to me to put into the UOB account. She said it was for my marriage. Some of it is from what the company gave to me after my mother passed away. I cannot touch that money. It's all that I have of my mother. I want to use it to build up my family.
9. I did not make the repayments for the loan for 12 months because after my mother passed away, I was too devastated to do anything involving her. So I just let the bank automatically deduct the amounts from our joint account. When there was not enough in the account, I just let it go. I had money to pay from my UOB account. I just did not want to use it. My mother always told me that any money from her insurance must be kept for my children. I am not married, but I wanted to respect her wishes.
10. I am not aware that \$50,000 was deposited into my account yesterday. I did not do this deposit. Where would I get the money from ?
11. The bank called me about once a month to ask about the repayment of my loan, but they were not worried because they were aware that I had a UOB account and they also knew that my house is mortgaged for only \$250,000 when its value is really \$800,000. I was not facing any financial difficulties.
12. I have not been back to Backstage. How can I go back after Chong has accused me of robbery ? I stayed at home all day. I did not try to call Chong or try to contact any of the assistants. I really don't understand why Chong would accuse me.
13. I don't know what I am going to do now. I suppose I have to find a new job. I am getting married soon and I need some steady income. My fiancée is a volunteer police officer. She is beautiful and smart. Her real job is in a private investigation firm. She is away now on assignment in Thailand. She does not know about what has happened. I don't intend to tell her. She will worry for me.

14. The diary that IO How took from my bedroom is not a diary. It a storybook that I am writing.
15. That is all.

Signed
Bawa Senapang
Dated 21 October 2004

PRELIMINARY INQUIRY BUNDLE

DOCUMENT 8 – Statement made by Chong Ti Lang to IO How Zhin Cha at 10 a.m. on 22 October 2004

1. I know of Bawa's POSBANK account because I use it every month to credit his pay to him. Because I use the Internet to do this, I do not remember the account number. It is programmed into my computer.
2. I made a cash deposit of \$2,000 on 20 October 2004 at about 8 p.m. This was a cash deposit that a customer had given me. I forgot all about the \$50,000 in my safe and did not deposit the amount at that time.
3. I live in the apartments at Ginza Plaza. It is very convenient for me because I don't have to travel far to get to work. It did not occur to me to bring my money home. I thought it was safest in the safe in my office.
4. I am sure that Bawa robbed me. He is an ungrateful man. I made him a partner and this is how he repays me. There are no partnership documents. I made him a partner in about June 2004. He was supposed to get a 40% share of the net profits but I deducted 5% for his partnership contribution.
5. That is all.

Signed
Chong Ti Lang
Dated 22 October 2004

CONFIDENTIAL STATEMENT 1

Statement of Chong Ti Lang to Prosecution

1. My name is Chong Ti Lang. I live at 154 West Coast Road, #88-900, Singapore 127371.
2. I own a costume shop at the basement of Ginza Plaza. I opened the shop in June 2003. I was working in the entertainment industry before I started my own shop. My shop does the full works, from organising theme parties for all age groups to providing costumes for sale and for hire to props and decorations and even make-up. We call ourselves “Backstage”.
3. We have been doing well ever since we started. I started out working alone but found within two weeks that I had to hire an assistant just to cope with the work. I put up a notice just outside my shop. I hired the first person that responded to my advertisement. His name is Bawa Senapang.
4. I treated Bawa well and I did not expect that he would rob me, and at gun point !
5. Bawa worked for me for more than a year. He was a good worker, very diligent and keen to do overtime. He knew the costumes and all the props that we carried very well and worked very well with the customers. He was always recommending costumes to customers. He came up with the idea that we should wear our own costumes while in the shop as a way to attract customers. I liked the idea and adopted it right away. We both had fun playing the characters. It turns out that Bawa had a hidden acting streak in him and I recommended him to audition for plays and performances whenever I heard about them.
6. Within six months, Bawa was doing quite a few performances for local theatre groups. We expanded our business into providing live entertainment, like dinner shows. I would come up with the script and he and I would act them out.
7. Business got so good that we found that we had to hire more help or close our shop on weekends. Weekends and public holidays were when we were busiest with the entertainment side of the company. If we closed our shop then, we would lose our main customers. So we hired Bo Tee and Gao Siam as sales assistants. They were not as good as Bawa, but good enough as long as either Bawa or I were there to supervise.
8. I know I am speaking as though Bawa and I were partners, but it really felt that way. I discussed everything with him, and I even gave him bonuses based on the profits that we made. I told him that he was getting 20% of the net profits from the shop. I thought that

we were very happy working together. His basic pay was \$1,800 per month. By December 2003, with bonuses, he was making more than \$3,000 a month.

9. At the beginning of July 2004, Bawa started asking me if he could be a partner in the business. He wanted to have more say in the business and he wanted to be assured of a percentage of the profit. I told him that I was already giving him a very generous bonus based on 20% of net profits. Based on my records, I was paying him an average of S\$3,500 per month. For a 24 year old with just 3 “O” level passes, I think he was doing very well.
10. Bawa was not happy with 20% and wanted more. He said that for what he was contributing to the shop and the business, he should get at least 40%. Then he told me that he was thinking of getting married and would need to have a steady income to support his wife and family. I assured him that he would always be considered a partner in the sense of sharing profits.
11. Our relationship grew very tense because I did not want to give him a share of the business. Things started to be less fun and spontaneous. After a while, I decided that maybe it was more worthwhile to give in to him and give him a share of the business. After all, if he quit and went to set up shop somewhere else, I would have to compete with him. I was about to tell Bawa this decision, but the timing was wrong.
12. Another reason why I was willing to make Bawa a partner was because I wanted to expand the business. So I had signed a lease for larger premises at Holland Shopping Centre. I knew that the location would be much better for the business. I had to pay a deposit of \$100,000 for these premises, and I would need to have some contribution for this amount. I had about \$50,000 to spare, but would need another \$50,000. I remembered that Bawa said that when his mother passed away, her insurance money was quite a lot and I was quite sure that he would use that to contribute to his share of the partnership.
13. I know I referred to him as a partner in my previous statements to the police but I was mistaken. He was never my partner. I checked with my lawyers. As long as there is no partnership agreement, he is not a partner. His pay didn’t change, and I never promised him anything.
14. A new shipment of costumes and props came in and he and I became very busy arranging for the Halloween season that was coming up. We had a few big advertising agency parties to organize and those are big budget. We both became very busy and I did not talk to Bawa about my plans. He also did not raise the issue any more with me.

15. On the evening of Thursday, 20 October 2005, I was working late at the shop. I was preparing for the next two evenings when we had huge parties lined up. Bawa had called in sick that day and I was also shorthanded.
16. My eyes were hurting me because they were reacting to a new eyeliner we had tried out the day before. We were going to put up live entertainment as terrorists in an advertising party on Saturday and I had used the eye liner to make myself look more Arab. I went to see the doctor on Thursday morning and he advised me to take a rest, but when as I left the doctor's office at about 10 a.m., Bawa messaged me that he was ill, so I had no choice but to go to the shop.
17. Another reason why I had to go to the shop was because there was a lot of money in the safe there. I had just collected several deposits for our engagements in October and November and did not have time to go to the bank the night before. I put all the money in my safe, which is hidden at the back of the store, and I wanted to go and put the money in a bank on Thursday. There was about S\$50,000 in cash.
18. My eyes were very bad that day, but there were so many customers that I and my assistant could not cope. Gao Siam was on duty in the late morning from 11 a.m. to about 3 p.m. and then Bo Tee came in to help out from 3 to 8:30 p.m. I closed the shop when Bo Tee left and switched off the main lights. I didn't lock up because I am afraid of being trapped in a fire, but closed the aluminum roller shutters. I didn't lock those because they only lock from the outside. Then I went to the back of the shop to clear the accounts for the day.
19. I did not realize how tired I was and must have dozed off because I was awakened by the sound of the sliding shutters to the shop opening. My eyes were red and watering and caked up when I woke up. I looked at the clock that was flashing as a screensaver on my desk and saw that it was about 9:30 p.m.
20. I went out and saw Bawa in his terrorist costume holding a gun in his hand. I know it was Bawa because he was wearing the costume that we had been practicing in. It was a black turtleneck sweater and black pants, with a black imitation bullet-proof vest and a black ski-mask that covers the entire face except for the eyes. He had black gloves and black socks and shoes on. The gun he was holding was also part of the costume. It was an imitation Smith & Wesson Magnum Revolver 520 and was very true to life.
21. I said "Bawa, I thought you were sick, what are you doing here ?" He said nothing except to come right up to me and turn me around and stick the gun into my back. It really hurt. So I said, "Bawa, what are you doing ?" He moved me towards the back of the shop and brought me right in front of the safe and motioned for me to open the safe. I said again, "Bawa, don't joke." Then he brought the gun up to my face and opened the safety. That

made me very scared. The gun looked much more real than the one that we had been practicing with, and I don't remember that the gun we had contained any sort of safety catch.

22. All this time, Bawa was behind me. I was so scared that he had not said a word, so I opened the safe. Then he dragged me out to the main shop and tied me up in the corner furthest away from the counter and the back office. He used some of the costumes to tie my up. He tied my hands behind my back and made me sit down on the floor, facing the wall. He didn't tie up my legs.
23. All this time, Bawa did not say a word. I kept asking him what he was doing but he did not reply. I could tell it was Bawa because I could see the colour of his skin around his eyes. His eyes were brown, like Bawa's. He also moved and acted like Bawa. The clothes were exactly like the costume we used. I kept saying that if he needed money or wanted to talk, all he had to do was ask. I told him that I was going to give him a share of the business and that we should just sit down and talk about it. He did not reply at all.
24. Bawa gagged me and then went back into the back of the shop. Then Bawa came out. He had a black backpack which I had not noticed before. Bawa went out of the shop, closing the shutter behind him. After about 5 minutes, when I was sure that he was not coming back, I managed to get up. I freed myself using a pair of scissors I had in the back office and ran out of the shop towards the security office on the 1st floor.
25. I was running past the taxi stand when I saw someone in black getting into a taxi. I stopped and looked more carefully and it was Bawa. He looked out of the taxi window as it drove off and gave me a thumbs-up sign. Then the taxi drove away. I was so shocked that I didn't do anything for a while. I recovered after a few minutes and reported the matter to the security office. They called the police.
26. The police came about 15 minutes later. They took my statement and then went to Bawa's house. I am told that they arrested Bawa that night. I have not seen Bawa since.
27. I am quite sure it was Bawa. No one else could have known that I had so much money in the safe. No one else could have known that the safe was back there. The person walked around the shop like he knew where everything was. Gao Siam and Bo Tee may have seen that I put some of the money into the safe, but I am quite sure that they would not have been able to get their hands on the costume that Bawa had. Anyway they are women and I am sure that the person who robbed me was male.
28. I am not sure if the gun that Bawa used was real or not. At first I thought it was fake, but when he shoved it in my face and threw the safety catch, I genuinely thought it was real and feared for my life.

29. The police say that they found the costume at Bawa's house and a fake gun. I looked at it, and it was the one that we used for our entertainment, but I am sure it was not the one that Bawa and shoved in my face during the robbery. That one was really genuine looking.
30. I have been asked to provide a sketch map of my shop. It is not to scale, but I drew what I could.
31. I was asked if I put money into the POSBANK cash deposit machine on 20 October 2004. I did but it was not the \$50,000 in the safe. This was about \$2,000 I had in my pocket. I did not feel safe walking around Ginza Plaza with \$50,000 in cash. I was too busy for the whole day to go to the bank. I thought it was safe in my safe. I did not know that Bawa would rob me.

CONFIDENTIAL STATEMENT 2

Statement of Bawa Senapang to Defence Counsel

1. My name is Bawa Senapang and I live at No. 5559 Serangoon Gardens, Singapore 555999.
2. I live with my wife. My mother passed away last year. I have never met my father and I am an only child. I got married in February 2005. My wife knows about the trouble that I am in and she loves me enough that she says she will wait for me.
3. The house I live in is a terrace house that my mother and I bought in July 2003. My mother made quite a lot of money as personal assistant to the CEO of a multinational company and I was working also. The house came up for sale and we got it at a good discount. The house previously belonged to the family of my mother's boss. He ran an international advertising agency. He sold it to us for \$350,000.
4. With our savings, especially my mother's, and we were able to buy the house with only a short-term loan of \$250,000. The loan required us to pay back \$4,000 a month. This was fine for us since my mother made \$8,000 a month without counting bonuses.
5. My mother passed away suddenly in Tuscany in August 2003. She always went on holiday with her boss. In August 2003, she was on holiday with her boss in Tuscany when she drowned in the swimming pool of the villa they were living in. I was very upset. I was glad that I was already working at time because I would not have known what to do with myself. The house was so empty without my mother.

6. I was very close to my mother. She had me when she was very young, so the age difference between us was only 20 years. We were very close. When she passed away, I almost wanted to sell the house. It made me sad to see everything in the house that belonged to my mother.
7. I did not pay the instalments for the loan for the house after my mother died. We had a joint account where we both put money and my mother had arranged that the repayments would come from that account every month. I did not know or care how much was in the account. I just asked Chong to put my salary into that account every month and left it to the bank to do what they wanted to do.
8. I started working at Backstage in June 2003. I was jobless at the time and walking around Ginza Plaza when I saw the shop. It had a sign – Sales Assistant Wanted. I only have 3 “O” Level passes, and my last few jobs were not fun at all – I worked at 7-Eleven and then Esso for a while, both times as a cashier.
9. I liked my job at Backstage very much. I found I had a talent that I never knew I had before. I liked putting on the costumes and acting and I liked helping people with their costumes. I also liked the make-believe of acting. Chong suggested that I try out for some auditions and I found that I was actually quite good at acting. I was very happy.
10. Chong is all right as a boss but he was not very imaginative. So I gave him many ideas to improve the business. For example, he was organizing parties, but his personality was so boring that no one believed that he could organise a good party. When I took over dealing with the customers for parties, we signed about 5 or six parties within a week. That was when he knew that I was a valuable asset to him.
11. I also had the idea that we should dress up in the costumes and play characters when we were running the shop. I started with this and customers started asking me if I could do live entertainment for them at their theme parties. I brought the idea to Chong and he agreed to do it.
12. I started off being paid \$1,200 a month but business got so good that I asked Chong for a raise two months after I started and he agreed to pay me \$1,800. Two months later, I asked for a percentage of the profit. I knew how much he was making because I was at the shop almost every day and I also knew what his costs were. I knew he could afford to give me a percentage of the profits. By December 2003, he was giving me 20% of the profits and I was earning \$3,000 a month.
13. By July 2004, I was certain that I liked the business so much that I wanted to be a partner in his business. I felt that I had done so well and contributed so much to the business that it was the least he could do to give me a share of the business. I asked him and he agreed

immediately. He told me that as a business partner, I would have to worry about the losses that the business made also. I told him that as long as he ran the business in exactly the same way that he was doing it, we had nothing to worry about.

14. Chong showed me some accounts and told me that he would give me 40% of the net profits from the business. He told me that this made me a 40% partner. He also said that I needed to put money into the business but he was prepared to take it in instalments by taking 5% of the profits that were supposed to go to me to pay for my share in the partnership. I trusted him and agreed. Based on the numbers he showed me, I took home \$3,500 a month.
15. I was very happy because I finally had a business of my own. I was happy because I did not have to pay him any money to get a share in the business. I worked harder for the business because I knew that I could share in the business profits.
16. I did not sign any documents that made me a partner. I also did not get any business card or anything, but I started telling customers that I was partner. Chong still handled all the money and kept the combination to the safe. I trusted him to do all that without cheating me.
17. Actually I am not poor. My mother had insurance and when she died, I received about \$200,000 from the insurance company. I put this in a UOB account that my mother had used for all her savings. She called this her rainy day account and told me that everything in there was to be saved for my wedding and my family. She put her bonuses into this account every year. After her death, her company gave me some money also. I cannot touch that money. It's all that I have of my mother.
18. In September 2004, I found some documents in the shop that showed that Chong was thinking of signing a lease for a shop space at Holland Shopping Centre. I did not understand very much but it looked like he needed to put down a deposit of \$100,000. That sounded like a lot of money. I know that at Ginza Plaza our monthly rental is only \$4,000. So I asked Chong about it.
19. Chong was very upset and accused me of sneaking around his papers. He said that it had nothing to do with our business and told me that I should just concentrate on the business of Backstage. I told him that I did not think that we should expand. It was crazy. We were doing well and we should maintain our reputation before we think of going further. He repeated that it had nothing to do with the business and told me to get back to work.
20. It was starting to be our busy season and I really trusted Chong, so I went back to work and did not think about it more.

21. Two weeks later, at the end of September 2004, I saw the lease again but this time it was signed. According to the document that I read, the lease was in the name of Backstage II and the monthly rental was \$35,000. That was very high. I was very shocked that Chong would do this behind my back and I confronted him about it.
22. Chong was very angry that I had been snooping around his papers again and refused to answer my questions about the new lease. All he said was that if I was worried about the business I could stop worrying because I am not a real partner anyway. He reminded me that I had not signed any papers to make me a partner. This made me a little bit worried about my status in the business. But then things got so busy that I did not have time to think about it.
23. October 2004 was a good season for us. We had some engagements for some big entertainment events that I was working very hard on, and we collected about \$50,000 in deposits in cash. Most of it came in on 19 October 2004 for some reason that I cannot explain. Chong kept it all in the safe. I kept telling him that it was not safe there and that all he had to do was walk upstairs to the POSBANK to deposit the money. He refused to do so. He told me that he had purchased insurance against theft for the business and if anything happened to the store, we would get \$250,000.
24. I trusted him because he was the boss after all. He has more experience in business than I do.
25. I did not go to work on 20 October 2004. At 9 a.m., Chong called me at home and told me to take the day off. It was the first time he had ever done this and I was very surprised. I was especially surprised because this was our busy season. I asked him if he was sure, and he said yes. He also said he was thinking of closing shop early that day.
26. Chong told me that he had asked our sales assistants Bo Tee and Gao Siam to come in and I should take a rest because it was the fasting month.
27. I thought about it for a while and then agreed. I also reminded him to bank in the money that was in the safe. He laughed and said, “What, do you think we are going to be robbed?” I also laughed and hung up.
28. I spent the day hanging around the house. At about 6 p.m. I got very bored and decided to practice my entertainment skit for Halloween. I was supposed to be a terrorist. This involves wearing all black, including a ski-mask, and bullet proof vest. It also includes an imitation gun that is very well made. I put the entire costume and spent the evening practicing my lines.

29. I was very bored at about 8:15 p.m. and decided to go and surprise Chong. So I put the more obvious parts of the costume into a black backpack and took a taxi to Ginza Plaza. I knew he was there even though he said he would close the shop early. It is not possible to close the shop early in October 2004. We would lose too much business. I knew that he would be there counting money or something.
30. When I got to Ginza Plaza, it was about 9 p.m. I put on the ski-mask and the bullet proof vest and went to the shop. The shutters were closed but I knew that Chong would be inside alone. So I opened the shutters and crept up to him in the back office. He was sleeping. I woke him up by pushing the gun in his face and telling him “This is a stick-up.” He woke up. His eyes were all red and swollen and he had difficulty opening them up. He scolded me for scaring him and I said that he could not have been scared. He knew that the gun I was holding was not real.
31. I asked him about his eyes. He said that he had reacted badly to some eye-liner we had tried for a costume yesterday. We had a good laugh and I went home. I went to the hawker center across the road to have some food before going back to Ginza Plaza to catching a taxi. As the taxi drove off, I saw Chong walking by – probably on his way home – he lives in the apartments in the same building. So I gave him a thumbs-up sign.
32. When I got home, I was just in my door when a police officer came and told me that I was under arrest for robbery. I did not rob Backstage and I do not know why Chong would accuse me of this.
33. When I was questioned by the police, I worked with them willingly. It was big shock to find out that \$50,000 was deposited into my account on the night of the robbery. I cannot imagine where that may have come from. I cannot take it out now because the next day it was taken out by the bank automatically to pay for the outstanding amounts of the loan.
34. I cannot have robbed the shop. I am not the only one who knew that there was \$50,000 in the safe. Bo Tee and Gao Siam both knew how much we had in the safe and knew where the safe was. I know that Bo Tee has a boyfriend. He has come into our shop a few times to fetch her and he is about my size.
35. I cannot believe I can go to jail for doing nothing. I know that justice will prevail.

EVIDENCE OF DEFENCE WITNESS 1

Dr Op Tee Ker, Ophthalmologist, giving evidence under subpoena

1. I am Mr Chong Ti Lang’s eye specialist. He has been seeing me for about 3 years since he had a bad allergic reaction to some make-up that he used.

2. Mr Chong has a permanent eye problem. His eyes are unusually sensitive to foreign matter and he gets very severe infections.
3. I saw Mr Chong on the morning of 20 October 2004. His condition had recurred because of some eye liner that he applied the day before. His conjunctiva were infected and I advised him to go home to rest for several days. I dispensed him some eye drops and antibiotics.
4. Mr Chong's eye sight would have been quite poor because of the eye infection. It affected both eyes. In my experience, everything would have been a blur to him and it would have caused him a lot of pain to keep his eyes open in bright light for more than 30 minutes.
5. Mr Chong came to my clinic unaccompanied. My clinic is at Ginza Plaza, on the 2nd Floor, and it is very convenient for him to come to see me either from his shop or from his home.

EVIDENCE OF DEFENCE WITNESS 2

Bo Tee, Shop Assistant at Backstage

1. I am Bo Tee, a shop assistant at Backstage.
2. I had a boyfriend in October 2004. His name was Tau Lang Loi. He was arrested in November 2004 in Malaysia for robbery. I have not seen him since.
3. Tau Lang Loi is about Bawa's height and build.
4. On 20 October 2004, I was working at Backstage from 3 to 8:30 p.m. It was a very busy day. Bawa did not turn up for work and Mr Chong did not tell me why. Mr Chong's eyes were hurting him so he stayed in the back office the whole time except at about 8 p.m. when he went out for a while.
5. I knew that there was a lot of money in the safe that day. I heard Bawa telling Mr Chong to put the money in the bank the day before. I don't know if Mr Chong put the money in the bank or not. I told my boyfriend about the money. He always asks me whether business is good and how much money the shop makes. I thought he was just interested to start a business of his own.

6. My boyfriend was supposed to pick me up at 8:30 p.m. on 20 October 2004 but he called me at the last minute to tell me that he could not come. I have not seen him after that.

DEFENCE EXHIBIT 1

This is a document that evidences that Chong Ti Lang took out a business insurance policy in August 2003 from AVEWA Insurance. The policy covers losses arising from theft, robbery, fire and other incidents that affect the business up to a maximum of \$250,000.

DEFENCE EXHIBIT 2

This is a document from AVEWA Insurance evidencing that the sum of S\$70,000 was paid out to Backstage in November 2004 to cover the robbery that occurred on 20 October 2004.

DEFENCE EXHIBIT 3

This is a lease for 3 units of shop space at Holland Village Shopping Centre signed by Chong Ti Lang as owner of Backstage. The document is dated 30 September 2004 and shows that the rental for the units totals \$35,000 per month. The lease is stated to expire within 30 days unless the deposit of \$100,000 is paid by then.

- END -