

Public Prosecutor v Anthony Ler Wee Teang and Another
[2001] SGHC 361

Case Number : CC 59/2001
Decision Date : 05 December 2001
Tribunal/Court : High Court
Coram : Tay Yong Kwang JC
Counsel Name(s) : Low Cheong Yeow and Edwin San (Attorney-General's Chambers) for the prosecution; Subhas Anandan (briefed) and Anand Nalachandran (briefed) (Harry Elias Partnership) for the first accused; Edwin Seah (briefed) (Edwin Seah & K S Teo) and Peter Ong (assigned) (Thomas Loh Partnership) for the second accused
Parties : Public Prosecutor — Anthony Ler Wee Teang; Z

Judgment

GROUND OF DECISION

THE ATTACK

1 On Monday 14 May 2001, sometime between 11 pm and 12 midnight, a lady known as Annie Leong Wai Muen was attacked at the lift lobby on the fourth floor of Blk 923 Hougang Ave 9. She had gone to the ground floor earlier with her four-year-old daughter to meet her husband, Anthony Ler, from whom she was separated for about one and a half years and whom she intended to divorce. The husband had called her downstairs to sign some papers relating to their HDB flat which they had purchased in their joint names.

2 Neither she nor the husband had a pen. She then left the daughter with her husband and took the lift to the fourth floor bringing with her the two pieces of paper to sign in her parents flat. She and her daughter were living with her parents and her younger brother in the flat since her separation from her husband.

3 As she emerged from the lift and was walking towards the flat, she was attacked from behind. She was slashed at her neck, stabbed at the front and at the rear right of her chest and at the rear of her left thigh. The assailant then escaped. She managed to struggle back to her mothers flat a short distance away from the lift lobby where she collapsed. The husband, upon hearing Annies mothers scream, dashed up to the fourth floor with the daughter.

4 Ambulance officers arrived shortly before midnight and attended to Annie Leong. They brought her, together with her husband, to Tan Tock Seng Hospital.

5 At 1 am on Tuesday 15 May 2001, Annie Leong succumbed to her injuries. Dr Wee Keng Poh, Consultant Forensic Pathologist with the Centre for Forensic Medicine, Health Sciences Authority, performed the autopsy on Annie Leong at about 9.30 am that day and certified the cause of death as "Acute Haemorrhage due to stab wounds of heart and lung". The stab wound to the heart measured about 6 cm while that to the lung was about 15 cm.

THE CHARGES

6 Police investigations led to the arrest of a 15 year old boy and the deceaseds husband on Friday 18

May 2001. The boy ("Z") was charged as follows:

"That you, **Z**

on the 14th day of May 2001, between 11.00 p.m. and 11.42 p.m., at Blk 923 Hougang Ave 9, Singapore, did commit murder by causing the death of one Annie Leong Wai Muen, f/30 years, and you have thereby committed an offence punishable under section 302 of the Penal Code, Chapter 224."

The husband of the deceased was accused of abetting the boy to commit murder. His charge read:

"That you, **ANTHONY LER WEE TEANG**

between the 1st and 14th day of May 2001 in Singapore, did abet one Z, m/15 years, by instigating him to do a certain thing, namely to commit murder of one Annie Leong Wai Muen, f/30 years, and in consequence of your instigation, on 14th May 2001 sometime between 11.00 p.m. and 11.42 p.m. outside the lift landing on the 4th floor of Blk 923 Hougang Ave 9, Singapore, the said Z committed murder of the said Annie Leong Wai Muen, which act was committed in consequence of your abetment and you have thereby committed an offence punishable under section 302 read with section 109 of the Penal Code, Chapter 224."

THE PROSECUTIONS CASE

7 Annie Leong was working as a full-time insurance agent with AIA for more than three years. On the evening of 14 May 2001, her mother and her younger brother (aged 28) were at home when Annie Leong returned from work at about 11 pm. After taking her shower, she joined her mother and her brother in the living room of the flat.

8 The telephone rang. Annie answered the call in her bedroom. When she came out, she informed her mother that she needed to go downstairs to meet Anthony Ler in order to sign some documents and would return soon. At about 11.30 pm, she left the flat in her night dress, bringing with her only the daughter and the keys to the flat.

9 About 10 minutes later, her family members heard a scream. Her mother went to open the door to take a look. A while later, Annie was seen running along the corridor to the flat, pulling the neck of her night dress to her neck. Her mother opened the gates. Annie said in Cantonese that she had been stabbed and told them to call the police. She then collapsed into her mothers arms and lost consciousness. She had been holding two pieces of papers in her hand. Her brother telephoned the police and asked for an ambulance.

10 While he was on the line, Anthony Ler walked to the flat holding the daughter by her hand. He appeared shocked at the sight of Annie and ran towards the flat, asking in Mandarin what had happened. Annies mother told him someone had stabbed Annie and asked him whether he saw anyone on his way up to the flat. Anthony Ler replied that he did not. When she asked him why he had asked Annie to meet him at such a late hour, Anthony Ler told her it was because Annie had returned home so late and she was going back to the flat to get a pen. Anthony Ler then helped to hold Annie.

11 Anthony Ler asked Annie's brother what number he had dialed. When told it was 999, he told the brother to dial 995 for an ambulance. The brother did so. Anthony Ler then told them to get some towels to stop the bleeding. The mother got some towels which Anthony Ler used on Annie. The mother thought Annie was injured only at the neck but realized that there was a wound at the back as well when she cut open the back of her night dress. She tried to arrest the bleeding by pressing a towel on the wound.

12 Anthony Ler tapped Annie's face and kept telling her not to close her eyes and sleep. Annie did not respond.

13 The ambulance arrived and the ambulance officers attended to Annie. They then brought her in the ambulance to Tan Tock Seng Hospital. Anthony Ler went along in the ambulance. Annie's parents also left for the hospital while the brother remained in the flat to await the arrival of the police. The family were subsequently informed that Annie did not survive the attack.

14 Sometime in June this year, the brother handed over to the Investigating Officer Annie's cream coloured "Perlini" handbag together with her brown "Bonia" wallet and a MRT fare card.

15 The police began their investigations immediately in the early hours of Tuesday 15 May 2001. They combed the block of flats and the surrounding areas but could not find any weapons. At the third floor lift lobby, however, they found a piece of newspaper folded in a rectangular shape. It was the front and back pages of The New Paper of 23 April 2001, with a tear at the front page.

16 Some police officers were despatched to Tan Tock Seng Hospital to invite Anthony Ler to the CID for an interview. At the CID, SI Colin Han Khoe Juan interviewed Anthony Ler between 5.15 am and 7.15 am. He denied any involvement in the death of his wife.

17 On Wednesday 16 May 2001, the investigating team led by the Investigating Officer, SSSGT Ravindra s/o Subramaniam, went to Anthony Ler's HDB maisonette at Blk 116 Pasir Ris St 11 #03-539 to conduct a search in Anthony Ler's presence. In the living room, they found stacks of The New Paper on a table. On the top of the pile was the copy dated 23 April 2001 comprising pages 5 to 34 and 39 to 44. There was also a crushed sheet from the same issue on the table consisting of pages 3, 4, 45 and 46. There were some nail clippings in that crushed sheet. Anthony Ler was requested to initial on every copy of The New Paper found and on every page of the 23 April 2001 issue.

18 There was also a file containing newspaper cuttings on horse racing stapled to some printed papers. The Investigating Officer found two sheets of The New Paper of 23 April 2001 comprising pages 35 to 38 stapled to some printed papers. All the documents, the newspapers and two MRT Transit Link fare cards were seized by the police.

19 On Friday 18 May 2001, at about 3.10 pm, Gavin Ng Jin Wei, 16 years of age, and Z (the Second Accused) were brought to CID for an interview as Anthony Ler had informed SI Colin Han at the first interview on 15 May 2001 that he had been talking to these two friends on Sunday 13 May 2001.

20 When SI Colin Han took over the interview of Z from his colleague at about 5.30 pm that day, Z admitted that he had killed Annie on the instructions of Anthony Ler. He then invited Z to write his statement about the matter which Z proceeded to do between 6.30 pm to 7.10 pm. SI Colin Han was alone with Z during the entire period of writing. He permitted Z to write everything on his own without interjecting by way of questions. The handwritten statement of Z made on 18 May 2001 read:

"On the 14th May 2001, I left my friend's house at about 9 pm. I went home to

bathe and when over to Anthonys house to meet him and we went to Hougang St 91 Blk 923. He went to the coffeeshop then he told me to wait for his ex-wife under her block. I saw her alight from the taxi but I couldnt do it because I dont wish to. I called him and he said that he would meet her again under her block. He then told me to wait for her at the staircase. He told me to kill her even if his ex-wife was with their daughter. But I saw her with her daughter so I didnt do it. Later she when up alone and I took the chance. I slashed the neck and stabbed her, then I went down the stairs and took a cab to Pasir Ris beach, there I threw the knife into the dustbin and took a slow walk home, thinking of the inhuman deed I have done to an innocent woman. I went home, took a bath and went down to Macdonalds to meet my friend."

21 SI Colin Han then informed ASP Lim Beng Gee of the developments. ASP Lim arrived at the interview room a short while later and was shown the handwritten statement of Z. ASP Lim then asked Z to draw a sketch of the knife he had used to attack Annie. Z did so, drawing a knife with a handle and a blade with a jagged edge.

22 At about 8.40 pm that day, SI Colin Han informed SSSGT Ravindra, the Investigating Officer, about Zs statement. The Investigating Officer instructed him to place Z under arrest and to proceed to Anthony Lers home to arrest him as well. Anthony Ler was arrested at his home at about 10 pm and was brought to the Police Cantonment Complex where he was interviewed by SI Colin Han. He again denied any involvement in the murder of his wife.

23 At about 3.45 am on Saturday 19 May 2001, W/Insp Ang Bee Chin proceeded to record a cautioned statement from Z pursuant to Section 122(6) of the Criminal Procedure Code. Z volunteered to write his own statement in English. When he started writing, there was not much expression on his face but as he wrote on, he started to cry. He spent some time reflecting on what he had written. He was allowed to take his time. After it was done, W/Insp Ang read the statement back to him and he confirmed the truth of its contents. The whole process concluded at 6.30 am that day. Zs handwritten statement read:

"I got to know Anthony Ler when I was about the age of 10. I used to bring my hamster down to the stone chairs and play with it. Anthony had a dog, so that was roughly how I got to know him.

Anthony shifted away from Blk 109 Pasir Ris St 11, so I lost contact with him. But he did tell me that he was going to shift to Blk 116 Pasir Ris St 11. It was until recently that I found out that he had shifted to Blk 116 Pasir Ris St 11. Then I saw him almost every night when I went down to the coffeeshop or Macdonald. He meet my friends Gavin, Vick, Ka Cheong and Zhi Hao. At first, my friends did not like his company but after sometime they accepted him. He started telling us about his wife and even asked us if we would like to kill her. In return he would give us a sum of \$100,000. All of us rejected, but later on he came and asked me to do it. He told me that nothing would happen to me and asked me to imagine that Im getting paid \$2,000 or more per month for the next four years.

Anthony told me that nothing would happen to me if I went according to his plan, he said that he had thought and planned this whole thing out for a very long time. He threatened to kill me if I dont want to do it after knowing so much things about him. I believed him and agreed to help him because he told me that

he killed for a living and until now he did not get caught. He also mentioned that his graphic-designing job was just a cover-up. After that he gave me \$100 to get two M-cards so that he could contact me without people knowing then he told me to get a knife, a sharp pointed one. After he told me that, I went to a Handphone kiosk at Pasir Ris Dr 6 to get two SIM cards, then I got a knife from the hardware shop beside the kiosk. Then I meet him at the bus stop across the road so that he could show me the place where his ex-wife stays. He brought me to Blk 923 Hougang Ave 9.

After that we went back to his place together with him, there he taught me how to murder his wife. He told me to practise it, so that when the time comes I would not be afraid. On 13th May 2001, Anthony told me that he had a fight with a Singh and that the Singh had threaten to kill him. He told me that before he came down to Macdonalds he had gone to meet his wife and to see his daughter. He also said that during that time he had tried to kill his wife but did not have the chance because his daughter was around. I was quite happy when I heard this because I did not want to do this. I was forced to do it by Anthony. I followed Anthony back to his house because he asked me to practise on how to kill his wife. On 14th May at about 9 plus at night, I went to Anthonys house to practise some more because he kept calling me on my handphone. At Anthonys house, after practising, he wraped the knife in newspapers and passed it to me.

I tucked the knife in my jeans. We then took a bus over to his wifes place. After alighting from the bus, we went our separte ways, I went to his ex-wifes void-deck while he went to the nearby coffeeshop.

After that he called me on my handphone and told me to wait for his wife to return home, so I waited. At ten plus, he called me to say that his wife was home already and he asked me to wait for his wife at the fifth storey. I did not kill her because their daughter was with her at that time. I then called Anthony to tell him I did not do it because his daughter was present, he told me that his wife would be going up alone and he asked me to take that chance. I attacked her from behind, I slash her neck and stabbed her in the chest. After that I ran down the stairs and walked to the bus-stop where I took a cab to dispose the weapon. On the way to the beach to dispose the knife, I really regreted doing it even at this point of the time while writing this.

How I wished that I had never known Anthony. I have let my parents down and all those people around me. I do not know how would people think of me. I feel very lost and confused.

Anthony did not call me on my handphone only until the morning of 17th May 2001. He asked me to get newspapers for him so that he could know what the reporters wrote about him. He also asked me to get the New Paper for him and lunch. Anthony told me the police had looked for him and he would pass me some of the money later on. He also asked me if I had thrown away the knife and the SIM cards. Anthony told me that I had done a good job."

statement from Anthony Ler pursuant to Section 122(6) of the Criminal Procedure Code. The process was completed at 5.20 am the same day. In that statement, Anthony Ler said:

"I have nothing to say now because I am tired".

25 Later that morning, both the accused persons were produced in Court 26 of the Subordinate Courts and charged with murder. They were ordered to be remanded at the Police Cantonment Complex.

Zs Statements

26 Between 22 May and 2 August 2001, 11 statements were recorded by the Investigating Officer from Z. They detailed how he got to know Anthony Ler back in 1994/95 when Z was about 9 or 10 years old and kept a hamster as a pet. He met Anthony Ler at the void deck when the latter took his dog for a walk. Anthony Ler was then living in the opposite block of flats. Subsequently, Z visited Anthony Lers flat to play with the dog.

27 The statements went on to say that some time later, Anthony Ler moved out of the area but told Z he would be moving to his current address at a later date. They lost contact for a few years until they met by chance one day when Z saw Anthony Ler walking his dog together with his wife pushing a pram with a baby in it. Anthony Ler told him he was now living in Blk 116 Pasir Ris St 11. After that meeting, they would run into each other occasionally at a nearby coffeeshop.

28 Z would usually meet his friends at the McDonalds restaurant at Blk 444 in Pasir Ris Drive 6 in the evening from about 8 pm till past midnight. The regular ones were Gavin Ng, Kong Ka Cheong and Vickneswaran ("Vick"). Seah Tze Howe (Zs neighbour) and a few girls (Melissa, Michelle and Joanne) would join them there occasionally. Towards the end of April this year, Anthony Ler introduced himself and began to join the group at the fast food restaurant.

29 Around the first week of May, sometime past midnight, the boys were at one table while the girls were seated at another table in the fast food restaurant when Anthony Ler joined the boys. He asked if they dared to kill people. Gavin asked if there was any reward in doing so. Anthony Ler replied that he was willing to pay money. One of them asked how much he was willing to pay but Anthony Ler asked them to name their price. Z asked for \$1 million, Gavin mentioned \$100,000 and the others named various amounts. Anthony Ler nodded his head and said he was willing to meet Gavins price. One of them asked whom he wanted to kill and he told them it was his wife. He wanted to take revenge on her for spreading the word that he had forced her to sleep with him and his mistress together and also that he could get back his daughter if the wife was dead. When one of the boys asked how he would have the money to pay, Anthony Ler said he would sell his Pasir Ris maisonette for about \$470,000.

30 When the boys asked him if he was serious, Anthony Ler replied that he was only joking. In fact, he did not appear serious as he was smiling throughout the conversation. None of them therefore took his words seriously. He did not mention this matter again but continued to meet them at their favourite haunt. However, he did say that sometimes he wished his wife were dead.

31 At about 12.30 pm on Wednesday 9 May 2001, after some school examinations, Gavin informed Z to meet him at the McDonalds restaurant, telling him that Anthony Ler was also there. Z met Anthony Ler there and Gavin joined them about an hour later.

32 Anthony Ler then asked them if they wanted \$100,000. Z asked him whether that was the money for killing his wife and Anthony Ler said it was. Anthony Ler then asked Gavin whether he would like to do the job. Gavin said he had to think about it. Anthony Ler appeared serious. His tone was different from that first occasion when he broached this topic. Anthony Ler told Gavin that as long as he followed his instructions, nothing would go wrong. Anthony Ler also said he had killed five people before and it was easy. He told them he was a professional killer and that his graphic design job was just a cover-up.

33 He would leave it to the two of them to decide who the hit man should be, saying that it would be better to have a partner doing the look out. Gavin replied that it would be better to do it alone. Anthony Ler suggested they should use a full-face helmet to hid their face and that they should bring a pair of gloves and a zip-lock plastic bag to hold the knife and the victims wallet. They were to take the wallet so as to make it appear like a robbery.

34 Anthony Ler also said that if Z was going to assist Gavin, the latter should take a taxi to Tanah Merah MRT Station after the killing and pass the helmet to Z there. Gavin would then change his clothes in the toilet and wash the knife there. He should then take the MRT to somewhere far away to dispose of the knife, the contents of the wallet and his clothes. He warned the boys not to use the money found in the wallet should there be blood on it. Gavin was to send the identity card of the wife (which still had Anthony Lers address) and her credit cards to Anthony Lers home with a note saying sorry. Z was to throw away the helmet or return it to the person they had borrowed it from. If Z was not helping Gavin in the attack on Anthony Lers wife, Gavin was to place the helmet on any motorcycle nearby before taking a taxi to Tanah Merah MRT Station. He added so long as Gavin left the scene as soon as possible after the murder, nothing would happen to Gavin.

35 They then moved from McDonalds to a nearby coffeeshop. When Gavin left them for a short while, Z asked Anthony Ler why he was not letting him do the job. Anthony Ler said it was up to them to decide but he thought Gavin was more suitable as he was more stable and daring. Z felt jealous at this remark. A few days earlier, Anthony Ler had also remarked in the presence of the girls that Gavin was more mature than Z. He wanted to prove Anthony Ler wrong. When Gavin returned to join them, Anthony Ler continued to talk about killing his wife. A short while later, Z left the two of them there after Anthony Ler had told him not to mention the matter to anyone.

36 That night (9 May 2001), Gavin asked Z to go over to his home as his family was having a barbecue and he also had something to discuss with him. When Z arrived between 10 pm to 11 pm, Gavin brought him outside the flat and told him that he had informed a female friend, Adeline Quek, about their earlier discussions with Anthony Ler and that Adeline Quek had advised him against doing the job. Gavin then told Z not to do it "as it was a set-up". Gavin also informed him that after Z left them at the coffeeshop earlier that afternoon, he had gone to Anthony Lers home where he was shown a photograph of his wife and his daughter and they had further discussions about the killing. Gavin advised Z not to do what Anthony Ler had proposed and Z nodded as he had no intention of doing it. Z then left to meet Vick and Ka Cheong at McDonalds.

37 Anthony Ler, Vick, Ka Cheong and two of the girls were at McDonalds. Gavin called Z on his handphone and asked him to inform Anthony Ler that he would not be doing the job. The rest left and Z ended up being alone with Anthony Ler. He then told Anthony Ler that Gavin did not want to do it whereupon Anthony Ler asked him whether he would like to do it instead. Anthony Ler then reminded him that he had asked earlier that day about letting him do the job. Z then told him, "Anything", indicating his willingness. The others then returned and they stopped talking about the plan.

38 Later, Z cycled about in the neighbourhood to look for a helmet. He found one placed on a

motorcycle with a jacket inside and stole the two items.

39 He then returned to McDonalds where the rest of the group had remained. When the others left for home, Anthony Ler suggested that they go to his maisonette to discuss the matter further. Anthony Ler borrowed his bicycle as he had a stomach upset and wanted to go home quickly. Z walked Anthony Lers dog home.

40 At Anthony Lers home, Z was told that Gavin had been there earlier that day and was taught how to kill using a bolster to simulate Anthony Lers wife and a metal ruler to represent the knife. Anthony Ler then told Z to use one of the zip-lock bags on the computer table to put the knife and other items in after the killing. He also told him to buy a pair of gloves from Beach Road to ensure his fingerprints would not be at the scene.

41 He then brought Z to the kitchen and showed him a tray of more than 10 knives in a drawer. He asked Z to choose one. Z chose a long one with two sharp tips at the top. Anthony Ler advised that that knife was unsuitable as it was difficult to conceal and Z could also end up injuring himself. Z then chose a shorter knife with a blunt head. Anthony Ler told him that was not good for stabbing. He chose a third one but was told it was not strong enough and might break. Anthony Ler then chose one which had a sharp tip and a jagged edge. He said that was small enough to be hidden on the body yet sharp and long enough to reach the heart. He instructed Z to buy a similar knife. All the knives were then placed back in the tray.

42 In the living room, Anthony Ler reminded Z to buy a pair of gloves, a knife and two top-up handphone cards ("M-cards") from M1. He said the cards were to facilitate untraceable communication between the two of them. Z should also have a piece of cloth to wipe the knife. They talked the whole night until morning. Anthony Ler asked Z when he intended to do the killing and Z replied that he would do it later in the night. That pleased Anthony Ler who told him to meet him at his home in the evening after buying the M-cards.

43 He would then bring Z to where his wife was staying in Hougang. Z was to bring the things mentioned together with a haversack containing a change of clothes. He should put on a long-sleeved shirt to avoid being scratched and leaving traces of his tissue in the wifes fingernails. Anthony Ler also showed him an album containing photographs of his wife and his daughter. Z would wait at the void deck there and if there was no one else in the lift, he was to kill her inside the lift if possible and if not, he was to wait for her to step out therefrom before attacking her. He also told Z about the three staircases in the block, which ones to use to escape and not to hold the railings so as not to leave any fingerprints there. He also told him to take his wifes "Bonia" wallet, remove the contents and place them in the zip-lock bag together with the knife and the gloves. He should then dispose of the wallet. That would make the attack appear as a robbery.

44 Z went on to say in his statements to the Investigating Officer about an alternative plan of attack should his wife, Annie Leong, not be alone in the lift. Z was to run up the staircase which would allow him to be behind her when she emerged from the lift on the fourth floor. Anthony Ler mentioned that he had played a game with his daughter before and he was always able to run up and reach the fourth floor before the daughter did in the lift. Z was to attack Annie from behind.

45 While escaping from the scene after the attack, Z should place the helmet at any of the motorcycles he came across on the way to the bus stop. He was to walk and not run to the bus stop. Should he see the police while waiting for the bus, he should not panic. He could take the bus or a taxi although the bus was a better choice as he might be stopped at a police road block in the taxi.

46 Z was to go to the nearest MRT station, wash the knife, the gloves and anything with blood on it. He was then to put everything into the zip-lock bag. He should change his clothes if there was blood on them. It would be good to change in any event to avoid recognition. If Z smoked, he should not throw away the cigarette butt as his fingerprints and saliva could be traced. He was then to take the MRT, go far away and dispose of the murder weapon, his clothes and the gloves in diverse places. If the money taken from the wallet should be stained with blood, he was not to be greedy and should burn it. It was probably not going to be more than #200 and he should think of the much higher amount he was going to receive. Further, Z was to put Annies identity card and other cards in an envelope and post them to Anthony Lers address with a note to say sorry. Annies identity card still had Anthony Lers home address. The note was not to be addressed to anyone and the address should not be written on the envelope to avoid tracing of handwriting by the police. All this would help exonerate Anthony Ler from the attack on his wife.

47 Z had an examination paper to take that morning (10 May 2001). Anthony Ler told Z that they should continue to meet at McDonalds even after the examinations where he would pretend to help Z with his studies. He also told Z that he would cry at the funeral to make it look real. He had practised crying and could do so whenever he thought about his daughter.

48 Z asked for money to buy the items mentioned. Anthony Ler handed him two \$50 notes from his wallet. Z then left for home at about 7 am on his bicycle together with the helmet.

49 Back home, he showered, changed up and then went to take the examinations in school. He left the school at about 9 am.

50 He then went to a handphone shop at Pasir Ris Drive 6 near McDonalds. He was acquainted with the man who managed the shop as he had helped that mans father, a medium, during religious ceremonies by beating drums. He enquired whether he needed to register his particulars when buying pre-paid SIM cards for handphones. The man told him it was not necessary for M-cards. He then asked for two M-cards with "running numbers" as they were easier to remember. He chose two such "running numbers", one ending with 565 and the other 566. The cards cost \$28 each. He also bought a handphone pouch for \$4. When the man at the shop asked him what the two M-cards were for, Z told him that someone had offered to pay him \$100,000 to beat up another person. When told that no deposit was collected, that man jokingly remarked that he should have taken 30% up front. He then advised Z not to do the job as he was being cheated. Z replied that he was only kidding as he would not have the guts to do it. He then left for home.

51 He slept till the late afternoon when Anthony Ler called him on his handphone and asked him to go over to his home. Anthony Ler had called a few times earlier but he apparently did not hear the calls. He then showered, took the helmet, the M-cards and a paper bag with a long-sleeved sweater and walked over to Anthony Lers block which was only a short distance away.

52 He reached Anthony Lers home sometime past 5 pm on 10 May 2001. Anthony Ler asked him whether he was ready to do it and he replied that he was. He told Anthony Ler he had bought the M-cards but not the knife and the gloves which he would buy later. They then walked towards a coffeeshop at Blk 443 Pasir Ris Drive 6. On the way, Z passed Anthony Ler the helmet and the paper bag and went on to buy the knife and the gloves.

53 He went to a hardware shop located next to the handphone shop he had been to earlier. He bought a knife which had a paper casing for \$2.20. He did not buy gloves as he wanted black leather ones as instructed by Anthony Ler but the shop only sold cloth and rubber types. Placing the knife in his back trouser pocket, he walked to the coffeeshop and, in the toilet there, tucked the knife at the

back of his waist.

54 He joined Anthony Ler at a table and informed him that he got the knife but not the gloves. They then took out the M-cards and placed them into their respective handphones and made some test calls to each other.

55 Anthony Ler then told him to buy any kind of gloves. In addition, he was to buy a piece of cloth to wipe the helmet to remove their fingerprints. Z then remembered that he had been told to bring a piece of cloth to wipe the knife after the attack.

56 They left the coffeeshop together. Anthony Ler took the helmet while Z carried the paper bag containing his sweater. Anthony Ler told Z to meet him at the bus stop across the road opposite the hardware shop.

57 Z returned to the hardware shop and bought a pair of rubber gloves and a red checked table cloth to wipe the helmet and the knife later. He thought red was ideal as it would hide the colour of blood.

58 Later, they boarded bus service number 81 together. Anthony Ler paid his own fare with coins while Z used his student farecard from which 55 cents were deducted. They sat together on the upper deck of the bus. Anthony Ler wiped the helmet and commented that the gloves Z had purchased were difficult to put on. He asked Z if he was scared. Nervous though he was, Z put on a brave front. Anthony Ler assured him that nothing would go wrong if he proceeded as planned. He did not ask to look at the knife Z had bought.

59 They then alighted somewhere and walked to another bus stop to wait for a feeder service bus. While waiting, Anthony Ler told Z not to sit with him nor talk to him in the bus as he did not want anyone to see them together. When bus service number 322 arrived, they boarded it and sat separately. Anthony Ler then called Zs handphone to tell him that they were arriving at their destination. When Anthony Ler got up to disembark, Z followed.

60 Anthony Ler called him again to follow him some distance behind. He also told Z that that bus stop was where his wife would usually alight and that the route he was taking was that usually used by his wife. He told Z the block number of his wifes residence and told him to meet him on the fifth floor.

61 When Z emerged from the lift on the fifth floor, Anthony Ler came up from behind, covered his mouth with his hand and moved a finger across his throat, telling him, "See, its so simple". He told him to do it on the fourth floor. They then walked along the corridor and Anthony Ler told Z that his wifes flat was directly below a particular unit. They then walked down to the ground floor where Z was again instructed to walk a distance behind Anthony Ler who would show him the location of the coffeeshop where he would frequently meet his wife. As they passed a multi-storey carpark, Anthony Ler told him over the handphone that there were a lot of motorcycles there and Z could dispose of the helmet there after the attack.

62 At the coffeeshop, they sat separately. By then, it was past 8 pm. About 15 minutes later, Anthony Ler walked out and told Z over the handphone to return to his wifes block after finishing his tea. Five minutes later, Z did so. When he arrived at the void deck there, he called Anthony Ler who told him that his wife would not be taking the bus home as she would be returning late. He told him to look out towards the park next to the block as well as towards the rubbish chute. If his wife decided to go to the supermarket, she would walk back from the park. If she took a taxi, she would normally alight near the rubbish chute. Z sat at a stone table and waited.

63 Five to ten minutes later, Anthony Ler called to say that Annie was probably in a taxi on the way home as there was no background noise when he spoke to her over the handphone. He instructed Z to wait until she was inside the lift before carrying out the plan.

64 A taxi finally stopped near the rubbish chute and a woman carrying a white handbag alighted. Z called Anthony Ler to ask about his wife's looks. He said she had long straight hair but was not pretty. By then, the woman had gone into the lift. Z ran up the staircase putting on the helmet and the gloves as he ran. He waited in ambush on the fourth floor but apparently Annie had already reached her parents' flat. He walked down to the ground floor and called Anthony Ler.

65 A while later, Anthony Ler called to tell him that she was already home and he would be calling her to go to the coffeeshop. Z then went to the playground in front of the block and waited. After about half an hour, Anthony Ler called to say that she was going to leave the flat anytime and told him to wait for her on the fourth floor. He also said he was not sure whether his daughter would be there as well.

66 Z ran up the stairs but did not put on the helmet and the gloves this time. He saw Annie walking towards the lift holding a little girl by the hand. He walked towards the lift but missed them. He then saw them walking towards the coffeeshop. He called Anthony Ler and told him what happened. Anthony Ler scolded him and told him to do it even if his daughter was with her.

67 Z went down and managed to catch up with Annie and the daughter. He could not bring himself to attack Annie as he felt pity for her and the daughter. He then turned around and returned to the playground.

68 About half an hour later, Anthony Ler called to say he knew Z did not carry out the attack. He told him that Annie had left the coffeeshop and instructed him to wait on the fourth floor near the lift and to do it and not to care about the daughter.

69 Z did not move immediately. He walked to the block later and saw the lift going up. He ran up and managed to see Annie and the daughter walking towards the flat. He made no effort to go after them, telling himself "Thank God".

70 When he was at the ground level again, he called Anthony Ler and said he did not attack Annie. Anthony Ler was angry. Z explained that he was a little too late. He told Anthony Ler that he wanted to go home and they could try again the next day.

71 When Anthony Ler met him, he did not look pleased and kept asking Z why he did not do it despite the many opportunities. Z replied that he missed all the chances. They took a taxi home. It was past 10 pm.

72 Back at Anthony Ler's home, Anthony Ler asked when Z intended to make the next attempt. Z told him, the next day. When he asked Anthony Ler if he could back out, Anthony Ler said it was alright as he understood, that it took a different type of guts to do such things. He asked Z why he wanted to back out but Z did not reply. Anthony Ler spoke in a nice tone unlike what he did earlier. They agreed to try again the next day. Z left the helmet and the paper bag there and went home. He told nobody about that night's events.

73 The next day, Friday 11 May 2001, Z went to school to take another examination paper. He returned home sometime past 3 pm. He went to sleep after informing his sister to wake him up in an hour's time.

74 Sometime before 5 pm, Anthony Ler called Z. He had apparently called many times earlier as the handphone showed a lot of missed calls. He told Z to go to his place.

75 When he arrived there, Anthony Ler told him they would be going to Hougang to try again. They smoked. Z then took out the knife he had bought from the paper bag and showed it to Anthony Ler who asked him whether he wished to change it as it was too short. Z agreed. Anthony Ler went to the kitchen, took a steak knife and gave it to Z. He also placed the knife bought by Z in the tray together with the other knives.

76 When Z wanted to put the steak knife in his waistband, Anthony Ler told him he might cut himself. He then went to a table, took a sheet of newspaper from a copy of what appeared to be an issue of The New Paper, folded it and used it to wrap the blade of the knife. He then folded the wrapping at the tip of the blade and passed the knife to Z. They then left with the helmet and the paper bag containing Zs sweater, the red cloth and the gloves.

77 They took a bus again. This time, Anthony Ler told Z not to use the MRT farecard but to use coins instead as Zs movements could be traced from the farecard. He then passed some coins to Z. They sat together on the upper deck of the bus. They placed the M-cards into their handphones. Anthony Ler told Z to wait at the void deck. He would call his wife to go the coffeeshop and Z was to attack her when the opportunity arose.

78 They walked apart like they did the day before. While waiting for the feeder service, Anthony Ler asked Z if he had any coins. When Z said he had none, Anthony Ler handed him some and moved away from him.

79 When they arrived at their destination past 6 pm, Anthony Ler walked towards the coffeeshop while Z went to the void deck of Annies block.

80 Much later, Anthony Ler called to say that his wife would be leaving the flat to meet him at the coffeeshop. Z was at the playground then. He did not look out for Annie as he was having second thoughts about the whole matter. A little later, he walked to the multi-storey carpark and left the helmet on one of the motorcycles. He was still wearing the stolen jacket. He did not want to carry out the attack. He returned to the playground to think the matter over.

81 A while later, Anthony Ler called to say that Annie was returning to the flat alone and told Z to do it. Z ran up to the fourth floor. He did not see her returning home. He told Anthony Ler who told him she would be going down again. Z did not wait for her at the staircase near the lift. A little later, he saw Anthony Ler and the daughter playing on the skate-scooter with Annie walking behind them. When he saw the three of them going towards the block, he proceeded to the third floor landing where he later saw the three of them walking along the corridor to the flat. Anthony Ler then returned to the lift. Z walked downstairs to meet him.

82 Again, Anthony Ler was angry that Z did not carry out the attack. They walked towards the bus stop. Z said he had thrown the helmet away when Anthony Ler asked him about it. They took the bus back to Pasir Ris. This time, Z used his farecard as he had no coins and Anthony Ler did not give him any.

83 When they arrived back at Anthony Lers block, it was past 11 pm on Friday 11 May 2001. They sat downstairs and talked. Anthony Ler asked Z why he did not do it and Z said he wanted to back out. Anthony Ler dissuaded him from doing so by telling him that the \$100,000 was easy money for a few seconds of work. He also likened it to being paid about \$2,000 per month for the next four years.

He told Z that he could use the money after his national service to open a modelling agency. He would teach Z how to run the business which would have a lot of girls and sex. When Z wanted to leave, Anthony Ler asked him when he wanted to make another attempt. Z told him to call him. Anthony Ler then said if they wanted to do it the next day (Saturday 12 May 2001), they should do it in the morning as his wife did not work on Saturday.

84 Z went home and then left for McDonalds later to meet his group of friends. He did not tell them about the happenings. Anthony Ler did not join them there.

85 On Saturday 12 May 2001, Anthony Ler called Z at night and asked him if he wanted to do it that day. Z, who was at a friends home the whole day, said no. Anthony Ler then suggested Sunday 13 May but Z told him to let his wife enjoy Mothers Day which fell on that Sunday.

86 On Sunday 13 May 2001, Anthony Ler told Z he would meet him at McDonalds. Around midnight, Anthony Ler called to say that he had met his brother at the coffeeshop and would join Z and his group in a while.

87 Later, Anthony Ler arrived at McDonalds with two men who were strangers to Z. Those two men sat at one table while Anthony Ler sat at another. Z went over to join him. Anthony Ler told him that one of them was his brother. He also told Z that the previous night (Saturday 12 May 2001), a Singh had caused trouble at McDonalds by challenging him to a fight. The Singh had stripped down to his underwear, pushed Anthony Ler onto the floor where they struggled until separated by others. The police came and the Singh threatened to kill Anthony Ler in the polices presence. Anthony Ler said he could use this to his advantage.

88 Anthony Ler then told Z that he had been in Hougang with his wife and his daughter earlier in the day. He could have killed his wife as the park was very quiet but did not do so as his daughter was around. When he went up the lift with them to the fourth floor, he told his daughter to run when the lifts door opened and he would then chase her. When she did so, he stamped his feet a number of times to give the impression he was going after her. His wife was walking in front of him. He then pulled out a knife from his pocket to attack her but his daughter ran back asking him why he had not run after her. He quickly kept the knife. He had intended to kill his wife and then stab himself to make it appear as if the abovementioned Singh had sent people on a revenge attack. Anthony Ler even opened his waist pouch to show Z the knife wrapped in a handkerchief. Z saw it was the same knife that he had bought. Anthony Ler confirmed it was that knife. Z was glad that Anthony Ler was not getting him involved in the killing anymore.

89 The two men who arrived at McDonalds with Anthony Ler then left. When Vick joined Anthony Ler and Z a little later, Anthony Ler changed the subject. The group of youngsters then decided to go fishing. Z told Vick to accompany the girls home and to meet at one of the girls block of flats later. Anthony Ler then suggested that he and Z talk on the way home.

90 As the two of them were walking home, Anthony Ler asked Z whether he would do the killing on Monday 14 May 2001. He told Z that this time he should run up to the second or third floor, take the lift up with Annie and kill her in the lift. He told Z to use his knuckles to press the buttons of the lift so that his fingerprints would not be left there. Alternatively, Z could wait on the fifth floor staircase landing and use a mirror to look out for Annie as she emerged from the lift.

91 At the void deck, Z asked Anthony Ler whether he could have the Japanese knife which he had seen before in Anthony Lers home. Anthony Ler said he could have it, went up to his maisonette with Z and gave it to him. Anthony Ler then told him that since he had taken the Japanese knife, he had

to kill his wife. Z told him that if he did not do the job, he would return it to him but Anthony Ler told him that in that case, he would kill Z with that knife. Z asked him whether he was serious. When Anthony Ler told him he was, Z became quite afraid. Anthony Ler said he could not refuse to do the job as he knew too much. Anthony Ler also gave him a "Jack Daniels" cap telling him he should wear this to avoid being identified since he did not wish to use the helmet. Z then left for home with the Japanese knife, kept it and left to go fishing as arranged.

92 After the fishing session, Z slept at Joannes flat the whole day until Anthony Ler called his handphone asking him to go to his home as soon as possible. Z went home and showered, took the steak knife from the paper bag still wrapped in newspaper and the red cloth and left for Anthony Lers home at about 9 pm. He did not bring the gloves this time but brought along a book titled "Design and Technology" in order to deceive his mother that he was going to study. That book was left in Anthony Lers home when they left for Hougang later.

93 At Anthony Lers home, they practised the killing using a comb to represent the knife. Z was to attack Annie from behind using his left hand to cover her mouth and his right hand to slash her throat with the steak knife followed by the stabbing of her chest. Anthony Ler told him not to worry as long as he stuck to the plan.

94 They then took the same bus services as before to Hougang , with Z using his student farecard to pay for his fares and Anthony Ler using coins. At about 10 pm, they arrived at the bus stop where Annie normally alighted from the bus. Anthony Ler said he was proceeding to the nearby coffeeshop to meet his wife and told Z to wait at the void deck of Blk 923.

95 Both Z and Anthony Ler were using the M-cards in their handphones. Z then received a call from Anthony Ler on his handphone, telling him that Annie was not home yet. A little later, another call came saying that Annie was on her way home. Subsequently, Z saw Annie alighting from a taxi and going towards the lift in her block. He did not run up the staircase as planned as he was afraid. He then called Anthony Ler and lied that by the time he was up at the fourth floor, his wife had reached the flat. He also said he was not sure whether that woman was Annie.

96 Anthony Ler called back later to say that she was indeed home already and asked Z to wait on the landing between the fourth and fifth floors as he intended to ask her down to the coffeeshop. A little later, Anthony Ler called again to say that Annie did not want to go there as she was tired and that they had arranged to meet at the void deck instead. He told Z to finish the job as she walked towards the lift even if she should be with their daughter.

97 When Z saw the mother and the child walking towards the lift, he decided not to carry out the attack because of the daughter. He walked downstairs and called Anthony Ler to tell him so. Anthony Ler scolded him for not following the instructions and told him to wait at the fourth floor as Annie would be going back up alone. Z saw the mother and the child standing near the stone table in the void deck. He ran up and lay in wait.

98 A short while later, Annie emerged from the lift by herself. Z used the red cloth to cover her mouth, slashed her neck with the steak knife and then stabbed her at the front. He could not remember if he had also stabbed her back. When Annie fell backwards, Z used the red cloth to wipe the blood from the knife, put the knife and cloth into his rear trouser pocket and ran down the stairs. He then walked briskly to the bus stop but took a taxi when it passed by before the bus did.

99 He travelled to Pasir Ris beach sitting behind the driver of the taxi. In the taxi, he took out the knife and the cloth and wiped the blade and the handle of the knife. He then wrapped the knife with

the cloth and put it back in his pocket. He then removed the M-card from his handphone and broke the M-card into two pieces. He wound down the taxi window to throw one piece away but it fell onto the taxi floorboard and he could not locate it. He then held on to the other piece, intending to dispose of it at the beach as he was afraid that someone might find the two pieces together and use the M-card.

100 After paying slightly more than \$8 for the fare, he walked towards the park at Pasir Ris beach, took out the remaining piece of the M-card, broke it again into two and threw the pieces onto a grass verge. He then went to a public toilet, placed 20 cents on the counter of the attendant and went in to wash the knife with running tap water. The cloth got wet. He then placed both items back into his pocket. He checked his clothes for blood and seeing no stains, walked out to the beach to a brightly lit area with a lot of barbecue pits. No one was there. He then disposed of the knife and the cloth in a rubbish bin.

101 It was about 12.15 am, Tuesday 15 May 2001 by then. He walked through the private housing estate to the main road and waited for a bus. He then decided to walk to the Pasir Ris bus interchange where he took service 359 home.

102 Back home, he removed his clothes in the toilet, confirmed there were no blood stains, placed them separately in bags and threw them down the rubbish chute. He had been told by Anthony Ler to dispose of his clothes in different places but was too lazy to do that. He also threw away the stolen jacket and the gloves. He also stated in his statement that he had left the helmet at Hougang because he had decided against using it as it was troublesome to do so.

103 He then called Joannes handphone. She was at McDonalds with Melissa. He went to join them until 3 am. He did not tell any of his friends about what Anthony Ler had asked him to do.

104 Later that night (Tuesday 15 May 200), Z went to meet Gavin, Vick, Ka Cheong and Joanne at a 7-11 store in Tampines. Past midnight (i.e. Wednesday 16 May 2001), they went to a coffeeshop there as Gavin was hungry. Z was uneasy about what he had done and needed to talk. He asked Gavin to go behind the coffeeshop as he had something to discuss with him. When they were alone, Z told Gavin that he had done it. Gavin appeared to have understood the meaning of his words as he looked shocked. He then scolded Z for going against his advice and asked whether Annie died. Z said he did not know. He also told Gavin where he had thrown away the knife. Gavin scolded Z for his stupidity. The group parted company subsequently.

105 On Thursday 17 May 2001, Anthony Ler called Zs handphone as he was preparing to go to school in the morning. He asked Z to buy the Straits Times and if possible to bring along the newspapers for the past few days to his home. Z took the current and back issues of the Straits Times as well as the Streets newspaper and went to Anthony Lers home.

106 Anthony Ler was sitting in front of a computer typing out something to the effect of asking Z to act shocked when he told Z of his wifes death. He also stated that the police could hear their conversation. He then pointed to a picture in the newspaper and spoke to Z, asking him whether he knew who that was. Z said he did not know. Anthony Ler replied that it was his wife. Z then asked him what had happened and Anthony Ler told him that someone had attacked his wife and it could be the Singh (mentioned earlier). He also told Z that the police had gone to his home and seized all the newspapers including some nail clippings inside a crushed newspaper. Anthony Ler then reverted to typing on the computer, asking "Where is the IC". Z asked "What IC" but Anthony Ler pointed to the keyboard. Z then typed, "What IC". Anthony Ler typed words to the effect, "The IC you used to register the card". Z spoke and said "No need". Anthony Ler then typed to ask Z what he had done

with the knife and the card. Z replied on the computer that he had broken the card and thrown away the knife at the beach. Anthony Ler then stated on the computer that he had dropped his and that if the police found Z, he should tell them that he did it on his own will.

107 Anthony Ler then began to speak again, saying he had not read the "Design and Technology" book and that he felt sad about his wifes death. Z replied that he was sorry too. Anthony Ler said the police took all his money leaving him only \$20. He then gave \$10 to Z to buy chicken rice and a copy of The New Paper after school, saying that his face might be in the newspapers and if Z did not want to carry out his requests, he would understand. He said the police were watching him and if they saw Z at his home, they might also check his flat. Z replied that it was alright. As he was about to leave, Anthony Ler told him, "Good job". Z then took a taxi to school as he was late.

108 After school, at about 3 or 4 pm, Z bought a packet of chicken rice and a copy of The New Paper and returned to Anthony Lers home. Anthony Ler told him the police might be there anytime.

109 Someone then knocked on the door. Anthony Ler answered it. It was a male Indian. Z could not hear the conversation. Anthony Ler then slammed the door shut, saying it was a reporter. He told Z that if the reporter should question him, he was to say that he was receiving tuition from Anthony Ler. They were together for about half an hour. They did not communicate via the computer anymore.

110 When Z returned to his block, the same reporter met him and introduced himself, asking how he knew Anthony Ler. Z told him that he got to know Anthony Ler who gave him tuition. Z then got into the lift and went home.

111 Later that evening (Thursday 17 May 2001), Anthony Ler called Zs handphone and asked if the police had gone to his flat, saying that he saw a police car at Zs block. Z told him they had not and informed him about the reporter. Anthony Ler said he was going to his wifes funeral and then hung up. That was the last Z heard from Anthony Ler.

112 Z confirmed in his further statements to the police that he had sold a computer to Anthony Ler for \$150 to \$200 sometime in late 2000 or early 2001 and that Gavin had helped him carry it to Anthony Lers home. He added that in the morning of Monday 14 May 2001, Anthony Ler had told him that if he was caught, he should inform the police that he had killed on his own will as he was not happy about Annie whenever Anthony Ler told them about her and he decided to help Anthony Ler to take revenge by killing her. He had also told Z that if Z played him out, he would do the same to him. He had told Anthony Ler as they were travelling together to Hougang that one of his aunties sons also lived in Hougang although he did not know exactly where. Z was not familiar at all with Hougang. His first trip there was the one with Anthony Ler.

113 Anthony Ler had also used a metal ruler to show Z how to hold a knife without leaving any fingerprints on it. Anthony Ler had also said that it would be better to put the knife back at the shop after the killing as the police would then not be able to find it.

114 The zip-lock bag that Anthony Ler had given him was somehow not disposed of but kept by Z in his home. That was handed over by Z to the police.

Anthony Lers Statements

115 A total of 11 statements were taken from Anthony Ler between 21 May 2001 to 2 August 2001. These were not tendered in evidence.

The Things Seized from Anthony Lers Home

116 The following items were seized from Anthony Lers home:

- (1) three computers and accessories;
- (2) nine metal rulers;
- (3) 19 knives from a tray in a kitchen drawer;
- (4) issues of The New Paper (in particular the 23 April 2001 one); and
- (5) an opened box of zip-lock plastic bags.

Out of the 19 knives seized, Z identified the knife marked K5 in the photographs as the one similar to the one he had bought. The Investigating Officer had bought such a knife from the hardware shop pointed out by Z when he was brought to the various locations in question. Z also pointed out the knives marked K4, K6, K11, K16 and K17 as the ones similar to the weapon he had used to attack Annie, which was never recovered.

The Things Seized from Z's Home

117 The following were seized from Zs flat:

- (1) one zip-lock plastic bag; and
- (2) one Japanese knife with scabbard.

Berlinda Ho

118 Berlinda Ho got to know Anthony Ler in 1997 when she was then working as a waitress in a pub in Boat Quay. Subsequently, they developed a relationship. It was only later that she realized Anthony Ler was married and had a newborn daughter. Anthony Ler explained to her that he was going through a rough patch with his wife and that both of them were contemplating divorce. Berlinda Ho forgave him for lying about his marital status and continued in the relationship. They cohabited. Annie Leong became aware of their extramarital relationship subsequently.

119 By 1998, Berlinda Ho was helping Anthony Ler in his business called "Agape Graphics" in Geylang. Although the business was profitable, Anthony Ler had problems paying his credit card debts and his income tax. He was not allowed to renew his companys licence and offered it to Berlinda Ho who renewed it in her name. In early 1999, Anthony Ler started another business called "Claz Models" in Berlinda Hos name. He also started "Entertainment Zone Publication" to publish an entertainment magazine called "Pink". After that magazine was launched in October 1999, it foundered. They began to run into debts and had frequent fights. With the failing business relationship, their personal relationship also suffered. Berlinda Ho was upset that Anthony Ler had saddled her with the business debts of about \$100,000 which she was still settling by instalments.

120 Anthony Ler used to complain to Berlinda Ho that his wife was pestering him to sign the divorce papers. He was reluctant to do so as he would not be able to pay maintenance and did not like having restrictions in visiting his daughter. On two occasions, he told her that if his wife took his daughter away from him, he would kill her, speaking very calmly and in a matter of fact manner. When asked if he was serious, he said yes, causing her to be terrified.

121 Berlinda Ho agreed that they had many quarrels regarding Anthony Lers divorce. She denied that during these quarrels, she had asked Anthony Ler to kill his wife and that Anthony Ler had said he would do so to solve all the problems. He had never said he would get rid of his wife because of Berlinda Ho nor had he asked her to kill his wife.

122 When Berlinda Ho could not take the pressure of the businesses and wanted to withdraw from them, he did not allow her to do so saying that he would kill her as she was taking away something precious from him. He also abused Berlinda Ho physically to show that he meant what he had said. She made a report to the police once but withdrew it as she still loved him then.

123 She finally decided she had to solve her financial problems and she left Anthony Ler in August or September 2000. Although he threatened to kill her for leaving him, he did nothing to carry out the threat.

Marilyn Tan Su Fen

124 Marilyn Tan Su Fen lives in Pasir Ris but has a HDB flat in Whampoa Drive. In October 2000, she met Anthony Ler at the McDonalds fastfood restaurant and the 7-11 store in Pasir Ris. He said he had seen her before in the Pasir Ris area. They began to talk and got acquainted.

125 Anthony Ler told her over the next few days when they met that he was going to divorce his wife who was living apart from him. He also told Marilyn about his ambition to publish a magazine on horse-racing and that he was looking for potential investors. He intended to leave his job in graphic designing to concentrate on the new business.

126 When he learnt later that she owned a flat in Whampoa Drive, he began pestering her to sell the flat and to invest the sale proceeds in his business venture but she was reluctant to sell the flat. He told her that he needed money to pay his creditors and the only way to do that was to make quick money through his business. He brought her to the Kallang betting centre, showed her the many people who were purchasing magazines on horse-racing and made some accurate predictions.

127 Marilyn was convinced. She borrowed \$50,000 from her relatives to invest in Anthony Lers business venture in December 2000. Anthony Ler told her he had found another investor whose name was Tan but she found out later that his real name was Yeo Eng Wee.

128 On 28 December 2000, she registered the sole-proprietorship "Advance Media", a name suggested by Anthony Ler. He had told her he was a bankrupt and could not register a business in his name.

129 The said "Tan" did not keep his word to invest in the business venture. They were unable to find other investors. The overheads of the business, which was not doing well, got Marilyn so confused and worried that in January 2001, she telephoned Anthony Ler one night to tell him she was contemplating suicide. Anthony Ler then told her that before she killed herself, she should go and kill his wife first. He would then be able to tell the police that she had killed his wife out of jealousy. Further, the maisonette at Pasir Ris would belong to him solely and he could claim custody of his daughter. Marilyn did not give him an answer as she was preoccupied with her own troubles. Initially, she denied in her testimony that she had met Anthony Ler that night but later said she could not remember whether she did.

130 On her lawyers advice, Marilyn decided to reduce her losses by terminating the business. This was done in February 2001. Anthony Ler then began to move his belongings out of the office and to

change his attitude towards her by becoming indifferent. They also did not meet as often as before.

131 The last time she met Anthony Ler was on Saturday 12 May 2001 when he called her in the afternoon to ask for a \$100 loan as he wanted to bring his daughter out but did not have enough money. She was able to lend him only half that amount. They met and she passed him \$50. She denied that Anthony Ler had said he wanted to celebrate Mothers Day with his wife.

132 Marilyn agreed that her relationship with Anthony Ler was a sexual one at first before it became a business one. She also agreed that Anthony Ler had told her not to transfer her investment money into his personal account but to place it in the business account. She gave a loan of \$20,000 to "Tan" on her own accord but he only paid back \$2,000. When Anthony Ler learnt about this, he was very upset and angry at Marilyn. They made a police report against "Tan" for cheating. Anthony Ler made all the business decisions.

Kong Ka Cheong

133 Kong Ka Cheong is 19 years old and was a Secondary 4 student of Hai Sing Catholic School in Pasir Ris Drive 6. He is now working as a cashier. He was part of the group of youngsters who met regularly at night at the McDonalds in Pasir Ris Drive 6 as he lives in the vicinity. He is more conversant in Mandarin than in English.

134 In April 2001, he was at McDonalds with Vick, Gavin and Z when Anthony Ler approached their table and was introduced by Z to them. Anthony Ler joined them in their conversation. From then onwards, Anthony Ler would join the group there very frequently, often bringing his white dog as well. He added in cross-examination that Seah Tze Howe was also there on that occasion.

135 In May 2001, the same four boys were at McDonalds when Anthony Ler and Seah Tze Howe joined them. During the conversation, Anthony Ler asked them how much money they would ask for to kill someone. Ka Cheong did not reply as he thought Anthony Ler was joking. Someone mentioned \$100,000.

136 A few days after the death of an insurance agent was reported in the newspapers, Gavin told Vick and Ka Cheong that Z was the one who had killed her and that she was Anthony Lers wife. He also told them that Anthony had offered Z \$100,000 to kill his wife. Ka Cheong was shocked as he had known Z to be a friendly person in the one year or so that he knew him. He did not ask Gavin for the source of the information. Later, Ka Cheong read in the newspapers that Anthony Ler and a boy had been arrested for murder. He learnt later from some friends that Z had been arrested.

Vick

137 Vick is 17 years old and is currently taking his O level examinations as a private candidate. He lives in Pasir Ris Drive 6. He knew Ka Cheong as a former classmate in Hai Sing Catholic School for about four years. He knew Gavin for more than one year and became good friends with him. Gavin introduced Z to Vick.

138 Vick got to know Anthony Ler sometime in April 2001. He was always with a small white dog. He told them he was 34 years old, was well paid as a graphic designer and was separated from his wife. He had a daughter whom he loved very much. The daughter was living with his wife. Anthony Ler was a joker and the boys enjoyed his company.

139 During one of their get togethers at McDonalds, Anthony Ler asked Vick if he would kill his wife if he paid him. Anthony Ler did not appear serious as he was smiling. Ka Cheong was present but Vick could not recall whether anyone else was there. Vick said sarcastically that he would do it for \$1 million.

140 On another occasion at McDonalds, the group of five was with Anthony Ler when he mentioned again the subject of killing his wife. Someone mentioned the price of \$100,000. Vick did not take Anthony Ler seriously as he was joking. However, Vick found it strange that he should raise the subject of killing his wife almost every time they met. He even thought Anthony Ler was a bit crazy. He was not close to him and had never been to Anthony Lers home.

141 On Sunday 13 May 2001, Vick was at McDonalds with Ka Cheong, Z, Joanne (Zs girlfriend) and Melissa when Anthony Ler and two other male Chinese arrived at close to midnight. Anthony Ler and the two men sat a table next to the groups. Anthony Ler mentioned that one of them was his brother. Ka Cheong and subsequently the two men left.

142 Z went to join Anthony Ler at another table as Z said he wanted to talk to Anthony Ler. When the two girls left for the nearby 7-11 store, Vick went over to where Anthony Ler and Z were sitting and lay down on one of the stone benches. He was tired and did not pay attention to the conversation. They were speaking rather softly. A while later, he left to send the girls home while Anthony Ler and Z remained there.

143 A few days later, Gavin called Vick and asked him to meet at a multi-storey carpark near Gavins home. When he arrived, Ka Cheong was also there. Gavin then told the two of them that Z had killed Anthony Lers wife by stabbing her in the chest. Vick was shocked. When he learned some time later from the newspapers that Anthony Ler and a 15 year old boy had been arrested, he realized it must be Z.

144 Vick agreed that they talked to Anthony Ler about their problems and that he advised them sometimes.

Seah Tze Howe

145 Seah Tze Howe, 22 years old, the next door neighbour of Z, testified that he was introduced to Anthony Ler around February 2001 by Gavin. Anthony Ler told him that he was unemployed but relied on horse-racing to make a living, saying that he used the computers in his home to predict horse-racing results. That got Tze Howe interested.

146 He met Anthony Ler several more times at the coffeeshop or at McDonalds in Pasir Ris. He also went to the betting centre in Kallang with Anthony Ler in March 2001. In one occasion, he went to Anthony Lers maisonette where he was shown how the prediction was done. Anthony Ler told him that he was planning to launch a magazine on horse racing.

147 At the end of April 2001, sometime after midnight, Tze Howe met Anthony Ler, Z, Gavin and Vick and some others at McDonalds. During the conversation, Anthony Ler asked him how much he would ask for killing a person. Thinking it was a ridiculous question and believing that Anthony Ler was joking, Tze Howe replied \$100 which made everyone laugh. Anthony Ler, who did not appear to be serious, said that the others had asked for a high price.

148 At about 3 am, Tze Howe went to Anthony Lers home to discuss the horse racing magazine with

him. During the discussions, Anthony Ler asked him again how much he would want for killing someone. Tze Howe told him he did not know. Anthony Ler said he would offer him \$100,000 to kill his wife. As he was still smiling, Tze Howe did not take him seriously. Anthony Ler went on to explain that his HDB maisonette was valued at \$480,000 and if his wife was dead, he would be the sole owner and be able to sell it to obtain the \$100,000. He also said he would pay Tze Howe in instalments of a few thousand dollars at a time.

149 Tze Howe became a little irritated as he wanted to talk about horse racing rather than killing Anthony Lers wife. He found it strange that Anthony Ler kept talking about that subject. He then asked Anthony Ler why he did not hire a professional to do the killing. Anthony Ler replied that if Tze Howe could find one for him, he would give him a 20% share of his company. Tze Howe wanted to change the subject and so said okay although he did not know anybody who would kill for a price.

150 Anthony Ler then showed Tze Howe some photographs of his wife and daughter. He said he felt that his wife was trying to pull his daughter away from him and that he would also obtain custody of the daughter if the wife was dead.

151 The next day, Anthony Ler called Tze Howe on his handphone to enquire whether he had a professional killer. He sounded serious. Tze Howe began to feel uneasy and surprised that Anthony Ler kept harping on this subject. He lied to Anthony Ler that his friend had not contacted him yet about the professional killer.

152 Over the next two days, Anthony Ler would call him at least once a day to check on the outcome. Finally, Tze Howe told him that his friend was not able to find a professional killer. Anthony Ler replied that it was alright and that was the last time they spoke to each other.

153 In cross-examination, Tze Howe agreed that he was interested in investing \$60,000 in Anthony Lers magazine. He did not have the money but hoped to borrow it from his family and his friends. He also hoped to raise some money through his work. He denied that it was he who kept calling Anthony Ler to ask about the \$100,000 for the killing in order for him to make the \$60,000 to invest in Anthony Lers magazine. He agreed that Anthony Ler dropped the subject after he told him he could not find a professional hitman. He was not threatened by Anthony Ler.

Gavin Ng

154 Gavin Ng, a close friend of 11 years and a school mate of Z until May this year when he (Gavin) left school, is 16 years old. He lives with his parents and two elder sisters in Pasir Ris. He related that in December 2000, Anthony Ler was introduced to him by Z at McDonalds. He exchanged telephone numbers with Anthony Ler whom he found fun to be with as he was friendly and witty.

155 In April this year, Gavin, Z, Vick, Ka Cheong and Tze Howe were at McDonald's with Anthony Ler. Anthony Ler asked whether anyone of them dared to kill. Gavin thought he was joking and so continued talking about the subject. Anthony Ler said that youngsters today often got into fights and killed others by accident. He then asked whether anyone of them would dare to kill someone else intentionally. Gavin asked him jokingly how much he was willing to pay. Anthony Ler asked them to state their price. They asked for \$100,000. Anthony Ler said he was willing to pay that price if anyone was willing to do the job. He still appeared to be joking.

156 In the first week of May 2001, Gavin was with Z and Anthony Ler at McDonald's in the afternoon. Anthony Ler said that he hated his wife because she did not permit him to see his daughter. His tone

was very serious. He told them that he loved his daughter very much and felt like killing his wife but would be the most likely suspect if he killed her. He then asked the two boys whether they recalled the earlier conversation about killing someone and asked if they were willing to do the killing. He wanted both of them to help him, saying he wanted Gavin to do the killing as he had more faith in him. He also told them that killing his wife was easy and they only had to comply with his instructions. He said Gavin should approach her from behind, cover her mouth with one hand and then slit her throat with a knife. Gavin realized that Anthony Ler was serious this time.

157 Anthony Ler then told Gavin to buy a knife from the NTUC Fairprice shop near Eunos MRT station as that was the nearest to Hougang. He said he wanted to make it look like a robbery and told him that his wife would usually carry a "Bonia" leather wallet in her hand. He should take the wallet and send the identity card back to Anthony Lers address with an apology note as that would help Anthony Ler clear his name. Gavin was also to buy gloves, preferably woollen ones, to avoid leaving fingerprints behind. He was also to take a zip-lock plastic bag along to place the knife, the wallet and the gloves after the killing. Anthony Ler offered to give Gavin \$200 to buy the things required for the job. He also offered to bring Gavin to the location where his wife was to be killed.

158 The three of them then walked to a coffeeshop near McDonald's. Anthony Ler continued talking there. About five minutes later, Z left. When they were alone, Anthony Ler told Gavin that he preferred him to Z although Z had volunteered to carry out the stabbing. He then pestered Gavin to help him kill his wife. Gavin told him he would think about it. They then left the coffeeshop. Anthony Ler asked Gavin to go to his maisonette where he would show Gavin how to carry out the killing.

159 At Anthony Lers home, Gavin was shown two Samurai swords inside a box. Anthony Ler told him that they were given to him by his master after a graduation ceremony. He also showed him some albums containing photographs of his wife and his daughter. He then brought him to the kitchen, opened a drawer which had a lot of small knives and showed him three or four knives which he said were suitable for killing. He then demonstrated to Gavin how the killing was to be done.

160 He told Gavin to do it when his wife was emerging from the lift. He asked Gavin to walk out of the kitchen to the living room by opening the sliding door. When Gavin did so, he pushed his fist against Gavins stomach indicating he was stabbing him. He said Gavin should attack from the front if his wife was alone in the lift. If not, he should wait for the lift door to close before attacking her from behind.

161 Anthony Ler then took a bolster and wrapped the end of it with newspaper. He told Gavin to cut the newspaper using a black Japanese knife (the one given by Anthony Ler to Z later) he had brought to the living room. They were seated then. He told Gavin that the skin of the neck was as thin as newspaper. Gavin tried cutting the newspaper with the knife but was not able to do so. Anthony Ler then demonstrated by holding the bolster from behind with his left hand and slashing the newspaper with the knife in his right hand. He then wrapped another sheet of newspaper over the bolster for Gavin to practise. He kept asking Gavin whether he was willing to do the killing but Gavin did not give any reply.

162 Gavin left Anthony Lers home at about 7 pm, feeling confused. He was also afraid that he might be persuaded by Anthony Ler to carry out the killing. He called Z but he was sleeping. He then left word with Zs brother to ask him to go to his flat for a barbecue.

163 Gavin then called Adeline Quek. Z had told Gavin that he and Anthony Ler had met Adeline earlier that afternoon before Gavin arrived and that Adeline had played with Anthony Lers dog. Gavin told Adeline that the man she had met earlier was called Anthony and that he had asked him to kill his wife. They spoke for a while. Adeline asked Gavin to promise her that he would not do it. He promised

her.

164 Later that night, when Z arrived at Gavins home for the barbecue, Gavin told him that Anthony Ler was out of his mind and that it was a trap. He told Z not to trust Anthony Ler and not to do the killing and Z agreed. Z then left saying he was going to meet his girlfriend Joanne at McDonald's. Gavin told him to avoid seeing Anthony Ler and to return home early. He also told Z to inform Anthony Ler, if he should meet him, that he was not interested in his plan.

165 Later, Gavin called Z who told him that Anthony Ler was with him at McDonald's. Gavin then advised him again to go home early.

166 About a week later on Wednesday 16 May 2001, at about 3 or 4 am, Vick, Ka Cheong, Gavin, Z and Joanne were at a coffeeshop in Tampines. Z told Gavin he wanted to talk to him about something important. They then went to the carpark behind the coffeeshop. There, Z told Gavin that he had done a very foolish thing. He told Gavin that "Anthony's wife, I do already". Gavin immediately understood that he was saying he had killed Anthony Ler's wife. Z then told him the first stab was at her neck but he could not remember where he stabbed her next. He told Gavin that he had thrown away the knife in a dustbin at Pasir Ris beach. Gavin was angry with Z for having done the killing and walked away. A while later, Z and Joanne left.

167 The next day, Gavin met Vick and Ka Cheong at a multi-storey carpark and told them that Z had killed Anthony Ler's wife. He also telephoned Adeline Quek to inform her of what Z had done.

168 Gavin added that he had never met Anthony Ler's wife.

169 In cross-examination, Gavin denied having stabbed someone before with a blunt object or having told Anthony Ler about such an incident. He also denied having told Anthony Ler that he had made a girl older than him pregnant. He said he was not interested in the \$100,000 and had no intention of killing Anthony Ler's wife. He went with Anthony Ler to practice in his home as he felt very pressurized, with Anthony Ler making him feel that he had already agreed to do the job and could not back out. He was afraid that Anthony Ler might hurt or even kill him if he refused but did not think of reporting it to the police.

170 Gavin agreed that he had met Anthony Ler about three days after turning him down and that Anthony Ler had told him it was okay, he understood that Gavin was afraid. Anthony Ler did not seem angry then.

171 Gavin agreed that he and Z had discussed their problems with Anthony Ler and that Anthony Ler had also confided in them about his problems. Anthony Ler also gave them advice. The subject of killing was first brought up by Anthony Ler after the group had spoken about some fights that their friends had had.

172 The day Gavin went to Anthony Ler's home for the practice in May 2001 was the second time he had gone there. He had been there earlier this year when he helped Z to carry a computer that Z had sold to Anthony Ler. Although Gavin wanted to go home after that meeting at the coffeeshop, Anthony Ler kept asking him to go to his home, telling him it was for just a while, that he wanted to show him some photographs of his daughter and some knives.

173 Gavin maintained that it was Anthony Ler who asked him to pretend the bolster was Anthony Ler's wife. Anthony Ler was very serious about it. It was Anthony Ler who went up to the second level of the maisonette to bring the bolster down. He denied that he had said to Anthony Ler once that one

way of solving his problems with his wife was if she disappeared.

174 Cross-examined by Zs Counsel, Gavin added that when Z was telling him that he had killed Anthony Lers wife, Z appeared very nervous and very confused, was breathing heavily and seemed to have difficulty in speaking. Z also told Gavin that Anthony Ler had brought him to where the wife was staying some seven times but he could not do it. However, on that fateful day, Anthony Ler told Z that they were running out of time and there was no choice.

175 He told Z to inform Anthony Ler that night that he was not interested in doing the job because he was afraid to meet Anthony Ler after having felt so pressurized earlier that day.

176 Gavin described Z, his friend of 11 years, as a very simple minded person who believed and trusted what others said. Z was not a violent person although he could be hot-tempered when angry. He did not think Z was the sort of person who would answer a challenge unless it was something not harmful to him such as a game.

Adeline Quek

177 Adeline Quek, 14 years old, confirmed that Gavin had called her in early May this year and told her that Anthony Ler had asked him to kill his wife who lived in Hougang and had discussed with him as to how the killing should take place. Anthony Ler had also offered Gavin a sum of money although she could not recall the figure. She said that Gavin sounded very serious. Gavin told her that he was half-hearted about doing it and that he was confused. He also said that Anthony Lers daughter looked very cute and he felt sorry for him. She dissuaded Gavin from doing the job and eventually he agreed and promised her he would not do it.

178 A few days later, she received a call from Gavin who sounded very angry. He told her that Z had killed Anthony Lers wife. The next day, she read about the death of Anthony Lers wife in the newspapers.

179 She added in cross-examination that Gavin did not say that Anthony Ler was pressurizing or forcing him to undertake the task of killing his wife.

Lim Kian Guan

180 Lim Kian Guan or Er Guan sold handphones and accessories at a shop at Blk 442 Pasir Ris Drive 6. He explained that pre-paid M1 line cards (or M-cards) cost \$28 each and came with a mobile telephone number printed on a sticker. Registration of particulars was not required for the purchase and activation of such cards. He did not record the telephone numbers of such cards sold by him but would record the type, the quantity and the price of any product sold. He would also indicate the identity of the customer if that was known to him.

181 He knew Z through Zs elder brother. On 10 May 2001, Z went alone to his shop to enquire whether he was required to furnish his particulars when purchasing the M1 line card. When Er Guan asked why he required it since he already had a handphone with a line, Z said it was for him to do something. When asked to elaborate, Z did not reply. Er Guan then told him that it was not necessary to register his particulars. Z then asked to purchase two such cards. He also bought a handphone pouch which would cost \$6.50 but Er Guan sold it at a discounted price of \$4 on his own accord. The total purchase therefore came up to \$60. Er Guan then recorded the purchases in his record book

indicating the customer as "Carlsberg" as he always had difficulty with Zs name.

Darshan Singh

182 Darshan Singh lives in Pasir Ris. He is the sole proprietor of a transportation business. He testified that in early May this year, at about 11 pm, he went to sit at one of the benches outside the McDonald's in question after having purchased two cans of beer from the nearby 7-11 store. He had drunk one and a half cans when he saw Anthony Ler with his white dog. He asked Anthony Ler to join him as he had seen him in the neighbourhood before.

183 While they were talking, Darshan Singh touched Anthony Lers shoulder but Anthony Ler told him that he should not touch him and that he had a black belt in taekwondo. Darshan Singh became angry and told Anthony Ler off. They then parted company.

184 A few days later, Darshan Singh saw Anthony Ler with his dog again at McDonald's. He decided to put their enmity behind them by apologising to him. He called out to Anthony Ler who then went over to his table. Darshan Singh tried to apologise to Anthony Ler, telling him he was a bit tipsy the last time but Anthony Ler repeated that he had a black belt in taekwondo. Darshan Singh lost his temper, stripped down to his underwear and challenged him to a fight. The police arrived later and took Darshan Singh to the police station. He gave a statement there and was then told to go home.

185 In cross-examination, Darshan Singh said he merely touched Anthony Lers shoulder and did not grab his arm. Anthony Ler said that he could not touch him at all. On the second occasion, he told Anthony Ler that it was not right for him to say that he was trained in martial arts and that he (Darshan Singh) was a wrestler in his younger days, but did not go around telling people he was such. When challenged to a fight, Anthony Ler remained calm, saying he did not want to fight. He was not brought to the police station.

186 Darshan Singh had never met Z before.

Tey Chee Keong (CPF Board)

187 Tey Chee Keong from the CPF Board testified that Annie Leong was partially insured under the Home Protection Scheme in respect of the Pasir Ris maisonette as she did not have sufficient money in her CPF Ordinary Account to pay the one-time premium in full. Upon her death, the insured amount of \$411,916.18 was paid to the HDB on 30 August 2001 in settlement of the outstanding housing loan.

188 Anthony Ler was not insured under the Home Protection Scheme. If the maisonette had been sold on 1 September 2001, the amount to be refunded to Anthony Lers CPF Ordinary Account would have been \$53,400 which represented the principal withdrawn for the purchase of the maisonette together with interest.

189 Annie Leong was also insured under the Dependants Protection Scheme under which the CPF Board would pay the insured amount of \$36,000 to the insureds nominee(s) or to the Public Trustee should there be no valid nomination, upon the insureds death. The CPF Board paid the \$36,000 together with Annies CPF savings amounting to \$6,491.73 to the Public Trustee on 10 July 2001.

Tan Suat Lay (HDB)

190 Tan Suat Lay, Executive Estates Officer in the HDB, testified that the said maisonette was purchased on 1 August 1996 for \$630,000 by Anthony Ler and Annie Leong. \$190,000 was paid and a loan of \$440,000 was taken from the HDB. On 1 January 1999, they applied under the Reduced Repayment Scheme under which they would pay only 75% of the prevailing loan instalment. They also applied for two deferments of loan instalment payment between 1 May 1999 and 31 October 1999 and between 1 February 2000 and 31 July 2000. As at 1 November 2001, the loan instalment was \$1,628 per month.

191 The outstanding loan on 25 May 2001 was \$467,426.17. After taking into account the amount paid by the CPF Board upon Annie Leongs death, the outstanding loan as at 1 September 2001 was \$58,652.87.

Benjamin Aloysius Frois

192 Benjamin Aloysius Frois, an advocate and solicitor, testified that in December 1999, Annie saw him together with a private investigator to seek advice on some matrimonial problems. In December the following year, Annie instructed him to prepare a separation agreement. On 8 February 2001, Annie went to his office with Anthony Ler to discuss the terms of their separation but the meeting ended very abruptly.

193 In March 2001, Annie Leong instructed him to prepare a petition for divorce based on the ground of three-year separation. He gave her the consent form for Anthony Ler to sign and a few days later, she returned the form purportedly signed by Anthony Ler in the presence of a witness. He then proceeded with the preliminary work before filing the petition. The issues regarding custody, maintenance of Annie Leong and the daughter and the division of matrimonial assets remained unresolved. About one month later, he learnt of Annies death and the arrest of both accused persons. The petition was not filed.

Dr Hau Tah Wei

194 Dr Hau Tah Wei of Alexandra Hospital examined both Anthony Ler and Z twice in the early hours of Saturday 19 May 2001. No injuries were found on Anthony Ler. At the pre-statement examination at 3.11 am, Z stated he did not have any injuries but the doctor noted two circular reddish purple bruises over the right side of his neck and anterior chest and a bruise, yellow-green in colour over his left arm. The doctor could only opine that they were recent and could have been caused on 14 or 15 May 2001.

Dr Ang Ah Ling

195 Dr Ang Ah Ling, a Senior Consultant at the Department of Forensic Psychiatry at Woodbridge Hospital, interviewed Anthony Ler on 18 and 25 June 2001 at the Changi Prison Hospital. He was of the opinion that Anthony Ler was not suffering from any mental disorder and was fit to plead.

Dr Cai Yi Ming

196 Dr Cai Yi Ming, a Senior Consultant Psychiatrist at Woodbridge Hospital, interviewed Z on 20 and 25 June 2001 at the Singapore Boys Home and conducted a psychological test on him on 26 June

2001. He found Z to have an IQ of 93 "which put him at the average range of intelligence". He also found Z not to be of unsound mind at the time of the alleged offence and that he was fit to stand trial and to plead.

Lim Thiam Bon

197 Lim Thiam Bon is an analyst at the Centre for Forensic Science, Health Sciences Authority. He examined the zip-lock plastic bag found in Zs home which was allegedly given to him by Anthony Ler, four zip-lock plastic bags seized from Anthony Lers home and 14 other zip-lock plastic bags seized from Zs home. He found the single zip-lock plastic bag to be related to two other such bags from Anthony Lers home and that all five were a consecutive series and therefore must have come from the same box. He visually examined the plastic bags in terms of their dimension, colour and overall construction. He then viewed the colour of the plastic film under polarised light. He next examined the plastic film using a microscope to study the pattern of surface scratches on the plastic. Using the polarised light table, he was able to conclude whether they belonged to the same batch as the colour pattern was distinctive. Having studied 50 boxes of the same brand of this plastic bag, he found that 94% of five consecutively made plastic bags would be found together in one box.

198 He also examined the sheet of The New Paper of 23 April 2001 found at the third level of Blk 923 Hougang Ave 9 and compared it with the sheets of The New Paper of 23 April 2001 seized from Anthony Lers home. He was able to conclude that they were from a complete set of newspapers with 48 pages as the manufacturing cutting edges of the sheets fit physically. When the roll of newsprint went through the cutting machine, there would be slight movements of the paper resulting in distinctive cutting edges which fit like a jigsaw puzzle.

SI Abdul Murad bin Abdul Latiff

199 SI Abdul Murad Bin Abdul Latiff of the Techno Forensic Branch of the Technology Crime Division, CID, assisted in collecting and bringing the three computer systems found in Anthony Lers home back to the Techno Forensic Branch on 24 May 2001. On 25 May 2001, he conducted a forensic examination of one of the three computer systems. He was requested by the Investigating Officer to look for the following strings of sentences allegedly keyed into the computer on Thursday 17 May 2001 at around 7 am but not saved:

"I was only joking about killing my wife."

"That means no money."

"What if you get caught."

"No way."

"Did you do it alone."

"Let me think about it."

He was also told to look for the following allegedly keyed in on the same day between 2 pm and 3 pm but not saved:

"Where did you put the knife."

"Settle already."

"How did you come back."

"Taxi."

"I feel very sad."

"Sorry."

"Did anyone question you so far."

"No."

In addition, SI Murad was to see if there was literature stored in the computer relating to hired killing or a conspiracy to kill, a document addressed to the HDB Resale Unit created on 14 May 2001 at about 2 pm and saved in the hard disk and file entries relating to horse racing.

200 He used a Norton UnErase programme to search for the said entries and recovered a deleted file dated 17 May 2001 timed at 7.33 am. He also found some entries relating to horse racing but no entries relating to hired killing or conspiracy to kill nor to any document addressed to the HDB. The contents of the abovementioned recovered file contained words such as:

"They can hear what we are saying."

"Act shock that the woman is my wife! When I tell you."

"U threw the knife."

"the chip the ic."

"the 2 ic."

"type to tell me."

"What ic?"

"to buy the chip."

"no need ic."

"I drop my ic."

"police found they might trace to your friend."

"they ask you if i" I can u on 14/5/01 say yes.

"Bthey can trace the call."

"Ttook my money."

"Your Ypayment might have 2 wait."

"Hyou understand."

"if lpolice found the chip."

"say wrong number if they question u."

"they ask you 90418565 who is."

"you say male wrong number."

"Wthey ask me who is 90418566."

"II say female wrong number."

"ur friend play u out, just deny it."

"Ts no way they can catch u."

201 Nothing was found in the computer system to indicate any further conversation using the same computer between 2 pm and 3 pm on 17 May 2001.

202 On 20 October 2001, SI Murad used a special forensic software, Encase Ver 3.15a, to make a complete physical copy of every bit of data located in the hard disk of that same computer. The information therein would not be altered in any way. He then initiated the "Recover Folders" command in the Encase software to recover all the deleted folders for examination. 159 folders were recovered. He then used the software to search for the abovementioned and other key words.

203 Again he found no literature relating to hired killing or conspiracy to kill and no files containing documents addressed to the HDB Resale Unit in the hard disk. Some data relating to horse racing were recovered. Five files were found to be of relevance. The file listing of all files created on 17 May 2001 indicated that the computer was in use between 6.53 am to 7.48 am that day. Again words such as the following appeared in the files:

"They can hear what we are saying, act shock that the woman is my wife!"

"They can trace the chip to your friend."

"I dont think so."

"With the number 90418565 they can."

"If they ask you if I can u on 14/5/01 say yes because they can trace the call."

"Ttook my money."

"Your Ypayment might have 2 wait."

"Jsay wrong number if they question u."

The words "I was only joking about killing my wife" and "That means no money" were not located.

204 SI Murad certified pursuant to Section 35(1)(c)(i) of the Evidence Act that there were no reasonable grounds for believing that the computer output in his reports was inaccurate or unreliable. He also certified under Section 35(1)(c)(ii) of the same Act that at all material times he believed the computer forensic workstation used by him was operating properly.

205 In cross-examination, SI Murad said the tests, which took more than two hours, were not done in Anthony Lers presence. The Investigating Officer did not tell SI Murad whether the key words and sentences were part of a conversation between two persons.

ANTHONY LERS DEFENCE

206 Anthony Ler, aged 34, met Annie Leong in church in 1982 when they were both teenagers. They married in 1995. Their daughter was born on 13 April 1997. He used to work as an Art Director in Island Wide Network before resigning to concentrate on his horse racing magazine.

207 About half a year after he started his own business and stopped going to church and after his wife learnt about his extramarital affair, their relationship soured. His wife decided to divorce him in October 1999. He believed they could still work things out but decided to agree to the divorce.

208 They had an unwritten agreement in respect of the daughter. The wife would have custody of her. He would pick the daughter up on Sundays at around 1.30 pm and return her to the wife just before bedtime which would be about 10.30 pm to 11 pm.

209 His testimony relating to how he got to know Z and his friends agreed with what Z had said in his statements to the police. After he resigned from his full-time job at Island Wide Network sometime in October 2000, he went to meet the group at McDonald's four or five times a week, usually between 10 pm and 1 am. They got to know one another quite well and he became an elder brother of sorts to them.

210 Vick confided in him about a case where he was accused of extortion from a boy when he was only attempting to ask for the return of a loan. Upon Anthony Lers advice, Vick got his mother to speak to the boys mother and the matter was settled. Gavin told him that he had made a 16 year old girl pregnant and asked for his advice. Anthony Ler told Gavin that he was still schooling and should concentrate on his studies and decide at a later date whether to continue the relationship with that girl. As the group was falling behind in studies, Anthony Ler suggested forming a study group at McDonald's and he could be their helper. Z fell out with his girlfriend, Joanne, at one time and was quite distressed. It was Anthony Ler who helped them get back together. Z also had problems in school he could not cope with his studies except English and his Headmaster seemed to be picking on him. Again, it was Anthony Ler who advised him. Seah Tze Howe was not a regular in the group and therefore they had less opportunity to confide in each other. However, he was very interested in the horse racing magazine and had called Anthony Ler and had gone to Anthony Lers home to discuss the business aspects of the magazine, indicating that he wished to invest \$60,000 in the business.

211 In mid-April 2001, the group was at McDonald's at about 11 pm when a few men approached and asked if they belonged to any secret society. Anthony Ler persuaded the group not to be involved in such activities and the subject of secret societies and gang fights was brought up. Vick said he had used a fire extinguisher to hit someones head before while Gavin told them he had stabbed someone

with a blunt object during a gang fight. Anthony Ler in turn related to them his experience in such things and that he was a black belt holder in Ninja-do, a martial art for street-fighting. When told by Anthony Ler that the people they injured could file charges against them, the youngsters claimed that they were unafraid of fights and killing and were confident they would not be recognized.

212 Anthony Ler thought they were merely boasting as he did not believe any of them could kill. He told them it was quite stupid to kill for no reason and that was when the topic of payment came about with the boys mentioning various amounts as the price for killing someone.

213 Gavin then asked Anthony Ler who was to be the victim and Anthony Ler gave his wife as an example without really thinking as she was the only person they knew. They also knew he was going through a difficult period with her. Naming a target for the killing was more like a challenge to their guts to expose their bluff and boast.

214 Right after that meeting, Tze Howe told Anthony Ler that he would go to his home to discuss some business proposal concerning the magazine. Tze Howe proposed that his investment of \$60,000 be from advertisements but Anthony Ler explained that such a proposal was not viable for a horse racing magazine. After realizing that his proposal was a non-starter, Tze Howe brought up the topic of the \$100,000 mentioned earlier at McDonald's by asking, "Why dont I carry out the proposal at McDonald's?". He told Anthony Ler that since he was willing to pay so much, he could get a professional killer to do the job by paying him \$30,000 or \$40,000 and using the balance to invest in Anthony Lers magazine. Anthony Ler laughed and said "You got this kind of lobang?". Tze Howe said he did and Anthony Ler then said, okay. However, he did not believe Tze Howe nor did he take him seriously, in the same way he did not believe that Tze Howe had \$60,000 to invest. He knew that Tze Howe was bluffing and decided to play along. Tze Howe left saying he would contact a friend who knew professional killers.

215 Subsequently, they spoke to each other again and Tze Howe claimed that the professional killer was asking for more money. Anthony Ler told him he could double the amount to \$200,000. When Tze Howe finally got back to him to say he could not find a professional killer, Anthony Ler laughed and told him he was full of hot air. Anthony Ler was not angry at all as he knew from the start that the bluff would come to nothing.

216 Where Marilyn Tan Su Fen was concerned, when she called to threaten suicide one night after having been cheated of the \$20,000, Anthony Ler told her to kill his wife first and then jump in order to buy himself some time to stop her from committing suicide. She would then have to see Anthony Ler first regarding the killing. He asked her to meet him at a bus stop. They met at about 3 am, talked for half an hour and then walked to the 24-hour coffeeshop near the McDonald's where Anthony Ler spent another hour or two counselling her. No mention was made at all of killing his wife during the entire period they were together.

217 Where Berlinda Ho was concerned, most of their arguments and fights were over Anthony Lers intended divorce and the amount of time he spent with his daughter during the weekend as Berlinda Ho wanted to be married to him. During their fights, he did say in the heat of the moment that he would kill his wife if she took the daughter away from him. He did not ask her to kill his wife. He merely said that he would kill his wife to solve the problem. All this was said in anger. He did not mean his words.

218 Incidentally, Berlinda Ho was no frail lady she had a brown belt in taekwondo. There was still animosity between him and Berlinda Ho as he had left her in debt.

219 On Wednesday 9 May 2001, he met Z at McDonald's and they were joined by Gavin later. Gavin brought one of his three dogs along. Z said a boy sitting at another table owed Gavin \$300 and he was trying to contact Gavin to go to McDonald's and confront that boy. Gavin met that boy, talked to him for about half an hour and then joined the two of them. Another boy then approached Gavin and wanted him to confront someone who had apparently given Gavins good friends name (one Skyway) to the police and who had challenged Gavin to meet him. Anthony Ler advised Gavin against meeting that challenge and Gavin heeded the advice.

220 Anthony Ler then told Gavin that if he wanted to confront his challenger, he should get another person to do it for him and that was when Gavin likened it to Anthony Ler asking someone else to kill his wife. He then asked Anthony Ler about the conversation between Anthony Ler and Tze Howe and the \$1,000 mentioned by Tze Howe. Anthony Ler laughed it off and told Gavin and Z the whole story about what had actually happened between him and Tze Howe and about Tze Howes boasting.

221 Gavin then said he would kill Anthony Lers wife for him. Anthony Ler still believed Gavin was boasting or bluffing and did not take him seriously. He therefore said, okay and asked them to go to the coffeeshop to further discuss the matter as he (Anthony Ler) wanted some coffee. He believed he was still in control of the whole bluff. He then asked Gavin how he was going to do it and Gavin replied that he would buy a knife. They then went through the plan.

222 He did not want Gavin to kill his wife. It was a challenge of guts and he intended to call Gavins bluff. He had already shown up Tze Howe and now wanted to see how far Gavin would go with his bluff. He therefore told Gavin to make it look like a robbery, to send the wifes identity card back to his home and all the other details, trying to sound convincing to Gavin. Gavin contributed the part about wearing a helmet, a jacket, gloves and sunglasses. Gavin began practising the slashing movement at the coffeeshop which looked amusing to Anthony Ler. Anthony Ler then suggested that they go somewhere else to do this later. Anthony Ler also told Gavin that he should not do the job alone but should have an accomplice whom he could communicate with without the communication being traced. He suggested that Z be the lookout for Gavin.

223 At one stage, Gavin left the coffeeshop to return the dog to his relatives. During his absence, Z told Anthony Ler that he wanted to do the killing. Anthony Ler told him not to be crazy as he did not have the guts to do it. When Gavin returned, Z kept quiet. Anthony Ler was not aware that he had hurt Zs feelings then. He had also mentioned once in front of the girls that Gavin had matured a lot more since his problem with his girlfriend.

224 Z left them about five minutes before they left the coffeeshop. Anthony Ler headed for home and Gavin just tagged along.

225 At his home, Anthony Ler showed Gavin his Samurai swords and other weapons. He then asked him to choose from the drawer of knives the one that he thought most appropriate for killing. Gavin chose a few but was told by Anthony Ler why they were incorrect choices for example, they were too long or too flimsy. Gavin then practised slashing actions with a knife and wanted Anthony Ler to stand in front of him to represent his wife. Anthony Ler refused as Gavin was holding a real knife. He then went upstairs to take a bolster, wrapped it with newspaper to protect the bolster and allowed Gavin to continue with the practice. The session lasted about half an hour and when Gavin was leaving at about 4 pm, Anthony Ler told him that they could recce the place (i.e. his wifes residence) the next day.

226 Anthony Ler met Z at McDonald's that night. Z excused himself for a while and returned with a helmet and a jacket in a plastic bag. His handphone then sounded and Z showed Anthony Ler a Short

Message Service (SMS) message saying that Gavin was not going to do the job. Anthony Ler laughed it off. Z asked him, "So how?". Anthony Ler told Z to throw away the helmet and that was the end of the matter.

227 Two or three days later, Anthony Ler met Gavin and Z at McDonald's. He asked Gavin why he did not even dare to tell him directly that he was backing out but Gavin merely smiled. Anthony Ler then told him to forget about the whole thing, that it was a joke and to study hard. He also told him that it took different guts to do things like that and that Gavin had been boasting. He was not angry with Gavin and did not try to persuade him to change his mind.

228 At about 3 am on Thursday 10 May 2001, Anthony Ler had a stomach upset and borrowed Zs bicycle to cycle home quickly. The helmet was on the bicycle. Z walked Anthony Lers dog home. Once he was inside, he was given free access to any part of the maisonette.

229 At Anthony Lers home, Z asked him to narrate what had transpired in the afternoon with Gavin. Anthony Ler then described what Gavin was doing that afternoon in his home. Z also wanted the Japanese knife with a scabbard (marked K20) badly as a souvenir. He had pestered Anthony Ler to give it to him for four or five nights. Anthony Ler finally decided to give it to him that morning.

230 Anthony Ler denied having told Z to go and kill his wife or having planned with him on how to go about it. He loved his daughter very much and would never have asked Z to kill his wife in his daughters presence. He had never brought Z to Hougang.

231 On Monday 14 May 2001, between 9 pm and 9.30 pm, Z went to Anthony Lers home. He had wanted to surf the Internet but Anthony Ler was preparing to go to Hougang. Z told him that he was going to visit his uncle who was living in the same area as Anthony Lers wife, near the Hougang Mall. They took bus service number 81 together. Anthony Ler meant to alight one stop after Z to meet a bookmaker at a coffeeshop but Z asked to borrow \$10 from him to treat his girlfriend just before Zs stop. He therefore alighted with Z, gave him the \$10 and they went their separate ways. He had no idea that Z was at Blk 923 Hougang Ave 9.

232 After his wife was stabbed, he did not imagine that the assailant could be Gavin or Z. His first thought was that Darshan Singh or his enemies could have done a revenge attack.

233 On Thursday 17 May 2001, Anthony Ler contacted Z. By then, he suspected it could be Gavin who had killed his wife as he was the most gutsy of the lot and therefore did not want to call him. He told Z that his telephone calls might be traced and that the police might question Z if he went to Anthony Lers home. Z said that it was alright. When Z arrived, Anthony Ler asked him whether he knew about the Hougang murder and he replied that he did. Anthony Ler told him he (Anthony Ler) was under suspicion although he suspected that it was Darshan Singh who had attacked his wife. To his shock, Z said he attacked his wife.

234 Z then asked for money to pay for the M-cards but Anthony Ler told him to keep quiet as the maisonette might be bugged. His computer was switched on and he typed on the computer to ask Z whether there was any possibility that he might be caught. He also wanted to know from Z what he had done with the knife. Anthony Ler was worried that he might be implicated in the crime. He did not dispute the evidence of SI Murad concerning the words that were found in the hard disk of his computer.

235 Anthony Lers immediate concern was to take care of his wifes funeral. He would then consult his sister about what to do as he was not in the frame of mind to do the right things. He did not tell Z

that he would pretend to cry at the funeral although he had told Z before that whenever his daughter saw him, he would cry.

236 He was at the wake on Thursday 17 May 2001 until Friday 18 May 2001 and was very tired, sleepy and hungry when the police picked him up on Friday 18 May 2001.

237 Cross-examined by Zs Counsel, Anthony Ler said he was not afraid that his joke or bluff might be taken seriously by the boys as he had two control measures:

(1) they did not know where his wife was staying, except that it was in Hougang; and

(2) he had not given them the money needed to purchase the things mentioned in the plan.

In any event, if he ever wanted one of the group to do any killing, he would have chosen Vick as he was more mature and more involved with things like that.

238 Asked how Z knew where Annie was staying, Anthony Ler said Z must have followed him to Hougang. Alternatively, Z had an accomplice. Asked why Z should be implicating him, Anthony Ler replied that Z must have thought Anthony Ler reported him to the police, that since Anthony Ler had played him out, he was going to do the same to Anthony Ler.

239 Anthony Ler was then questioned about the need to communicate silently through the computer. He repeated that he felt his home was bugged, he was confused and did not know what to do and did not want Z to say anything incriminating to himself. He did sort of scream orally at Z when he found out he was the killer, telling him that he had only been joking. He also typed "I was joking" on the computer. He was essentially trying to help Z cover up his crime. The telephone numbers he had typed on the computer came from Z who had written two numbers on a piece of paper.

240 In cross-examination by the Prosecution, Anthony Ler denied that he had \$100 to give to Z to buy the two M-cards. After all, he had to borrow \$50 from Marilyn Tan Su Fen on Saturday 12 May 2001.

241 Where the zip-lock bag and the sheet of The New Paper of 23 April 2001 were concerned, Z could have taken them from his home without his knowledge as he was allowed to move about freely inside. He did not give a steak knife to Z to do the killing and would not have allowed him to take one of his knives. He accepted the possibility that Z could have swapped the knife he bought from the hardware shop with one from his kitchen drawer.

242 Anthony Ler added that on Wednesday 9 May 2001 at his home, Gavin asked him how the wives block would look like and he therefore drew a sketch plan of the lift lobby together with the corridor and the staircases. Gavin did not ask him for her address. Anthony Ler would not have been able to tell him the address at that time anyway as he did not know the block number and the unit number although he had been to Annies parents flat almost every weekend for the past three years or so. He only mentioned that it was in Hougang.

243 Asked why he showed his wives photos to Gavin and to Z, Anthony Ler said he had shown the three albums of photographs of his wife and his daughter to everyone who visited his home. He did not think it was dangerous to do so as he assumed they would forget his wives face and she hardly travelled to Pasir Ris.

244 Anthony Ler agreed that he was in financial difficulties since October 1999 to date. A writ of seizure and sale was issued and executed by Citibank in July 2000 for \$9,055.80. He had difficulty paying the instalments for the maisonette as well. If it was sold, he could move in with his mother.

245 He then elaborated on his whereabouts on the days before his wife's death. On Friday 11 May 2001, Z went to his home at about 5 pm to pester him for the Japanese knife. Anthony Ler then went to the Kallang betting centre from about 7 pm to 9 pm. His wife then called him and he went to Hougang past 10 pm to discuss the sale of the home at the coffeeshop. At about 11.15 pm, he walked back with her, went up with her in the lift to the fourth floor of her block and then left. He had no idea whatsoever that Z was in the vicinity.

246 On Saturday 12 May 2001, he was home most of the time doing some work. At about 10 pm, he met Marilyn Tan to borrow \$50 from her. He then walked his dog to McDonald's where the altercation with Darshan Singh took place during which Darshan Singh threatened in the presence of the police to kill him. He did not call Z to ask whether he wanted to do the killing the next day.

247 On Sunday 13 May 2001, he was at Hougang from about 2.30 pm until 7.30 pm with his daughter while his wife was at her sister's home. At about 6.30 pm, he brought his daughter up to the flat for her grandmother to give her a shower. He then brought the daughter downstairs again until about 7.30 pm. He next waited alone for his wife but did not get to meet her for Mothers Day as she was tired. He left Hougang at about 10.15 pm for the 24-hour coffeeshop at Pasir Ris Drive 6 where he met his brother and his brother's friend. He then went to McDonald's where he saw Z with Joanne. He told Z about the incident with Darshan Singh, that he was with his daughter the whole day and would be meeting his wife on Monday 14 May 2001 for a belated Mothers Day celebration. He did not tell Z that he wanted to kill his wife himself and that he could blame it on Darshan Singh. He could not recall whether he gave the Japanese knife to Z that Sunday night. He denied that he had threatened to kill Z if he refused to kill his wife as Z had seen him smiling at Gavin the day before even though Gavin had backed out of the arrangement. If he had to kill Z because he knew too much, as alleged by Z, then he would also have to kill the rest of the group as well and he had certainly not threatened any of them.

248 On Monday 14 May 2001, when Z called him at 7 or 8 pm and said he would be going over to Anthony Ler's home, Anthony Ler told him he would be leaving sometime past 9 pm. When Z went over, Anthony Ler was in the bathroom. Z appeared normal to him. Z told him that he was going to visit his uncle near Hougang Mall and that he would be going fishing after that. Z had told him that his bus journeys always took him past the Hougang area and he knew it very well.

249 Asked about the words "Payment might have 2 wait" found in the computer, Anthony Ler admitted that he typed those words. This was because Z had asked him for the money for killing his wife and Anthony Ler did not have the money to pay him. He therefore intended to stall for time as he could not be telling Z that he was not going to pay him and was going to report him to the police.

250 As for the Section 122(6) of the Criminal Procedure Code statement taken in the morning of Saturday 19 May 2001, Anthony Ler said he was simply too tired from keeping vigil at his wife's funeral wake and if he had mentioned Z as the perpetrator of the crime then, more questions would have been asked and he would probably end up having to spend another three or four hours making a statement. He was dozing off at the taking of that statement. He understood the statutory warning given but did not appreciate the implications thereof.

251 Anthony Ler's impression of Z was that he was a nice boy, slightly childish in mentality but was quite smart and had a mind of his own. It amazed and shocked him that Z was capable of doing all

those things surreptitiously and of killing his wife.

252 In re-examination, Anthony Ler maintained that what he had said in Court was consistent with the 11 statements he had given to the police. As he was in financial straits, it would be insane of him to want custody of the daughter. He would not have the time and the money to take care of her.

253 In reply to the Courts questions, Anthony Ler said that, as far as he was concerned, the joke ended on Thursday 10 May 2001 in the early hours when he was told Gavin had backed out. Annies mother prohibited him from entering her flat at Hougang. He could bring the daughter to the lift lobby on the fourth floor only and could not even use the toilet in the flat. It was not his habit to carry a pen with him. That fateful evening, when he and his wife realized there was no pen with which to sign the letter for the HDB, he wanted his wife to borrow a pen from the coffeeshop but she did not want to go there and said instead that she would go upstairs to get one. She asked him to wait for her downstairs with the daughter. He wanted to go to the playground with the daughter as it was important to spend even five minutes with her. This was notwithstanding the fact that he had spent several hours with her the day before.

254 Anthony Ler added that on Friday 18 May 2001 when he was arrested, some CID officers had abused him and told him that Z had owned up and he should do likewise to get a lighter sentence. He then told SI Colin Han as well as the Investigating Officer that Z had admitted to having killed his wife but they were only interested in him admitting he had a part to play in the killing.

ZS DEFENCE

255 Z repeated in essence what he had said in all the statements given to the police during the investigations.

256 He denied that Gavin had sent a SMS message to him in the early hours of Thursday 10 May 2001 to say he was not interested in the plan to kill. Instead, Gavin had called Z on his handphone. Z also testified that Anthony Ler would be smiling practically all the time, whether he was serious or not.

257 Z added that on Saturday 12 May 2001, Anthony Ler had called him to say that if he did the job that day, he would make a payment of \$1,000 upfront. This was not mentioned in his statements but Z claimed he had informed the Investigating Officer about this. Z did not meet Gavin at all that day as Z was with Joanne in Tampines.

258 In response to Anthony Lers evidence that he suspected there was a mystery man or accomplice, Z confirmed that he did have an accomplice and that was none other than Anthony Ler himself. He did not go to Anthony Lers home on Monday 14 May 2001 for the purpose of surfing the Internet.

259 He deviated from Anthony Lers instructions to throw the weapon into the sea or into a pond as there were people at Pasir Ris beach at that time. He also deviated from the plan by throwing away the clothes he wore that night in one location and at his block as he was feeling lazy. He would not have known how to do all these things if Anthony Ler had not taught him and Gavin.

260 On Thursday 17 May 2001, he did not ask Anthony Ler for money in Anthony Lers home. Anthony Ler claimed that the police had taken his money and that the payment he had promised might have to wait. Far from covering up for Z, Anthony Ler was attempting to cover up his own involvement in the killing of his wife.

261 Z also said he had felt inferior and hurt when Anthony Ler preferred Gavin over him as the killer. Since Anthony Ler was the oldest in the group, he would feel nice if Anthony Ler looked up to him. However, he did not want to kill and would not kill to prove to anyone that he was more mature than Gavin.

262 In cross-examination by Anthony Lers Counsel, Z said he used to be angry with Anthony Ler for causing him to be in such a predicament and was also scared of him. However, the fear dissipated when he spoke to Anthony Ler in the lock-up during the lunch break the day before (Wednesday 28 November 2001). This was their first conversation since their arrest in May. Z asked him whether he had eaten lunch. Anthony Ler then told him that if he (Anthony Ler) was found guilty, he would hang and not merely go to jail. He also said he had not seen his daughter for the last six months. When Z asked him whether he regretted the whole incident, Anthony Ler said he was and apologised to Z. He then asked Z whether he could help him by changing his statement. Z replied that he could not do so. Z informed his lawyers about the conversation and was advised not to speak to Anthony Ler.

263 Z said he was afraid to tell the police, his family and his friends about Anthony Lers threat to kill him if he did not do the job. He agreed that this threat was not mentioned in his first handwritten statement to the police on Friday 18 May 2001, but maintained that such a threat was made. He was confused then and the statement was only a rough description of what had happened. He was told by the police that he would not suffer the death penalty if convicted for murder by virtue of his age. Before that, he did not know the penalty for murder nor the fact that age had a bearing on the punishment. He only thought he would have to go to jail.

264 Z was appreciative of the help and advice that Anthony Ler had given him during the time they were together.

265 When Gavin spoke to Z on Wednesday 9 May 2001, he said that Anthony Ler could have simply asked a foreign worker to do the job for \$200 but instead had asked them to do it for \$100,000. He therefore advised Z not to accept the offer as it was a set-up, meaning Anthony Ler would deny any involvement in the matter. However, he accepted when Anthony Ler asked him later if he would like to do the job as he felt good then that Anthony Ler was giving him recognition. However, he had no intention of killing.

266 Z acknowledged that he had gone to look for the helmet and the jacket and had chosen a red cloth on his own initiative. He also agreed that he had plenty of opportunity to tell Anthony Ler that he did not wish to kill his wife but somehow did not do so. He was not forced to go to Hougang with Anthony Ler on Thursday 10 May 2001 and Friday 11 May 2001.

267 Z added that Anthony Ler told him on Sunday 13 May 2001 that there was no need to make the killing look like a robbery anymore and that there was a new plan. He did say in his statements that there was a new plan although he did not elaborate on that.

268 He accepted that he had said in his statements that he liked to prove people wrong but added that he was not going to do so by killing somebodys wife. He disagreed with the suggestion that he was a cold-blooded murderer who was vicious enough to implicate an innocent man. He had never visited his uncle in Hougang before and in fact had not been to Hougang until brought there by Anthony Ler in May 2001. He added that the coffeeshop in Hougang that Anthony Ler frequently met his wife in was about 10 minutes walk from Annies block.

269 Dr Lim Yun Chin, a Consultant Psychiatrist at the Raffles Counselling Centre, prepared a report on Z after interviewing him for about one and a half hours at the Singapore Boys Home over the weekend

of 24/25 November 2001. He was of the opinion that Zs "mental state was susceptible to a point that he literally had to do what he was told by a skilful and aggressive proselytizer." In other words, Z had been manipulated by Anthony Ler. Z was going through a very ambivalent phase of his life. A part of him did not want to do what Anthony Ler told him to do but another part felt beholden to Anthony Ler. During the last four days before the killing, he was under constant pressure and did not have sufficient time to be geographically separated from Anthony Ler to process the information. Z had said he went fishing on Sunday 13 May 2001 to avoid Anthony Ler.

270 In his report, Dr Lim also stated Z had related to him that on Sunday 13 May 2001, Anthony Ler displayed his marital art skills by simulating a strangle hold round Zs neck until he felt he was suffocating and thought he would die. At another time, he applied such intense pressure on Zs arm that he felt it was going to break. Z was convinced that this would be his fate if he did not comply with Anthony Lers instructions. These matters did not appear in Zs statements to the police nor in his testimony in Court.

271 Dr Lim agreed that Z was not suffering from any abnormality of mind that would come within Exception 7 of Section 300 of the Penal Code.

THE DECISION OF THE COURT

272 The investigations in this case have been swift, thorough and entirely fair. The Prosecution and the Defence Counsel have also conducted the proceedings in a sensible and gentlemanly fashion.

273 Insofar as Z is concerned, there is no doubt that he killed Annie Leong intentionally on Monday 14 May 2001 at Blk 923 Hougang Ave 9. Although he claimed trial to his Charge, his statements to the police as well as his oral testimony in Court acknowledged his guilt unequivocally. I have already set out the contents of his statements in rather great detail earlier in this judgment. Quite clearly, the statements fall within the meaning of "confession" as expounded in *Chai Chien Wei Kelvin v PP* [1999] 1 SLR 25. There, the Court of Appeal said (at paragraph 42):

"All that is required to constitute a statement a confession is that it states or suggests the inference that the accused committed the offence."

Zs testimony in Court and his Counsels submissions have also made it patently clear that he was offering no defence to his Charge.

274 By virtue of Section 6 of the Penal Code, one may invoke the defences listed under the General Exceptions in Chapter IV of the Penal Code. The furthest that Zs evidence can go is to show that he committed the offence while under duress. However, Section 94 of the Penal Code does not apply to the offence of murder. The section reads:

"**94.** Except murder and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence:

Provided that the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint."

I therefore need not even consider whether Z's situation satisfies the requirements of this section.

275 Z was and is not of unsound mind and has adduced no evidence that would bring his case within any of the seven exceptions in Section 300 of the Penal Code which would reduce the offence to one of culpable homicide not amounting to murder. It is therefore clear that Z is guilty as charged and I convict him accordingly.

276 I now consider the case against Anthony Ler. The evidence adduced establishes the following points:

- (1) Anthony Ler was having serious relationship problems with his wife and things were so bad they had been living separately since around October 1999;
- (2) The daughter was in the custody of his wife and he had restricted access to the daughter although there was in place an informal arrangement as to access;
- (3) His wife was seeking a divorce and wanted to sell the matrimonial home in Pasir Ris which would have resulted in financial loss as they had bought it at a much higher price. Upon the sale, Anthony Ler would have only about \$53,400 in his CPF Ordinary account;
- (4) Anthony Ler was having serious financial difficulties since October 1999. He was unable to pay his income tax, his credit card bills and the monthly instalments on the matrimonial home;
- (5) If Annie Leong should die, the matrimonial home would be almost completely paid for because of the Home Protection Scheme insurance that she had;
- (6) The idea of killing Annie Leong, whether uttered in the heat of anger (as in the case of Berlanda Ho and Marilyn Tan) or in the coolness of jest (to the group at McDonald's) or even as a stalling mechanism to dispel suicidal thoughts (as in the case of Marilyn Tan), was neither anathema nor new to Anthony Ler.

277 The key issues in this trial are:

- (1) was Anthony Ler playing a game of bluff with Tze Howe and Gavin?;
- (2) did Anthony Ler tell and urge Z to commit murder?

278 As stated earlier, killing his wife was not something foreign to Anthony Ler's mind. He was the one constantly bringing up the morbid topic to various persons on diverse occasions. Nobody planted the idea in his mind. He was the one and only author of this constant refrain. This is relevant to show his state of mind, particularly his intention and his ill-will towards his estranged wife (see illustration (p) to Section 14 of the Evidence Act).

279 It is one thing to joke about killing one's wife (already morbid and macabre), it is quite another to discuss the who, when, why and how of the killing, particularly when that is done on different occasions with different very youthful individuals. It is even more bewildering and bizarre when the killing is practised (in the case of Gavin) with a knife to slash a bolster symbolizing the target. One would have to be mentally unsound to concoct, to harp on and to engage in such an elaborate plot, with photographs of the intended victim shown and her personal belongings identified, as a joke or a

bluff; and insane Anthony Ler was and is not. All the talk and planning about the killing could not have been a joke or a game.

280 I find Tze Howes and Gavins evidence to be truthful and convincing. Other than the first mention of the killing in April 2001, Anthony Ler was deadly serious about getting a professional hitman and when that idea failed, he was equally serious about Gavin taking on the role of the hitman assisted by Z.

281 As further evidence that the very detailed plot was no laughing matter, when the so-called "joke" was called off in the early hours of Thursday 10 May 2001, Anthony Ler did not exult in his "victory" over Gavin by telling him that he had seen through Gavins boasting and proved him to be lacking in killers guts. He did not even ask to speak to Gavin when the latter called Z at McDonald's that day. Instead, he merely appeared to have been calm in his disappointment over Gavins withdrawal from the plan. Similarly, when Anthony Ler met Gavin two or three days later at McDonald's, there was no gloating and jibing by Anthony Ler over the elaborate con job that he had supposedly pulled on Gavin.

282 Gavins confusion at having been asked to be a killer was evident in his conversation with Adeline Quek on the night of Wednesday 9 May 2001. It was Gavins great fortune that he had a friend, young though she was, who was clear thinking, sensible and able to persuade him away from the disastrous path that he was being led along. It was also an enlightened Gavin who immediately called his very good friend, Z, to warn him of the danger they were in.

283 I therefore have no doubt that whatever Anthony Ler said to and planned with Tze Howe and Gavin were all for real.

284 Z appears to be a rather simple-minded and mild-mannered boy ensnared haplessly way out of season in adult intrigue and machinations. Anthony Ler was astute enough not to use Z as the first choice hitman. He was right about Z he was no killer and had too much conscience and compassion. That accounts for the abortive attempts on Thursday 10 May and Friday 11 May 2001. He even tried to get away from Anthony Ler during that weekend but the persistent Anthony Ler was not about to be thwarted in his deadly mission.

285 Zs fault in this whole sad story is that he was nave and rather weak-minded. He was manipulated skilfully by a man experienced in the ways of the world, tempted with easy money, enthused by dreams of glamour and sex, enticed with an ornamental sword that he craved and steered psychologically and persistently down the path of self destruction. In the end, he was given the ultimatum kill or be killed. I therefore do not think much of the criticism that he could have backed out or informed or consulted someone between 9 May and 14 May 2001.

286 I have no doubt whatsoever that he was telling the facts as honestly as he could remember them despite his additional evidence about the \$1,000 offer upfront on Saturday 12 May 2001 and the stranglehold and pressing of his arm. I find his testimony entirely truthful and believe his written and oral evidence about his ambivalence during the few days before Monday 14 May 2001 and his feelings of self-loathing and utter confusion after the murder. Gavins evidence on the conversation he had with Z in Tampines corroborated him entirely on this. I do not think the occasional confusion in his statements affected his credibility to any extent.

287 I see no mean miniature monster in Z. I detect no vengeful or vicious spirit in this 15 year old boy before me. I see instead a morose and mortified teenager who is still trying to come to terms with the cataclysmic events of the last seven months. He is not capable of concocting such an elaborate and consistent yarn. He does not have the presence of mind nor the mental agility to utilize and corrupt

information to his own advantage or to the detriment of others. I am referring for instance to the incident involving Darshan Singh I have no doubt that Z was not capable of saying that Anthony Ler thought he could make use of Darshan Singh as a scapegoat if Anthony Ler had not told him so.

288 It was also no coincidence that Z had a zip-lock bag and had used a sheet of newspaper from Anthony Lers home. Z could not have been planning to implicate Anthony Ler even before Monday 14 May 2001. Obviously these things came to be where they were found in the way narrated by Z.

289 The events after that fateful night also attest to the truth of Zs version. Why did this dangerous, egoistic and sneaky predator (who could follow Anthony Ler to Hougang unnoticed or could find out Annie Leongs address on his own) not call his adult mentor for almost three days to brag about his daring, macho exploits and to seek his affirmation? Obviously, the truth is Z was feeling very downcast and confused and, far from displaying one-upmanship with his so-called rival, Gavin, was confessing dejectedly to and being rebuked by him.

290 The communication via the computer on Thursday 17 May 2001 in Anthony Lers home was clearly a cover-up operation for Anthony Ler and not for Z. If, as Anthony Ler testified, he did not suspect Z was the assailant, it was remarkable that his first reaction when confronting his wifes murderer for the first time, was to protect him. Anthony Ler did say he was not in the right frame of mind then. Further, why was he so conscious that the police could have bugged his home anyway? Even if he was the suspect, surely the electronic eavesdropping by the police would clear his name rather than implicate him. The sentences such as "act shock the woman is my wife" and "payment might have 2 wait" were entirely consistent with Zs version of the events that morning. Why did Anthony Ler use the word "payment" if Z was merely asking for money to pay his friend for the M-cards? Obviously Anthony Ler was referring to the \$100,000 that he had promised Z before the murder.

291 It follows that I reject Anthony Lers version of the events. No one in his right mind would talk earnestly and persistently to two young men about killing his wife and proceed to show them her photographs in order to play a game of bluff or a joke. This is even more so when the wife is not only living in Singapore but also living in a housing estate not too far away from Pasir Ris. Since Anthony Ler was so fond of calling peoples bluff, why should he stop at Tze Howe and Gavin? After all, Z was there with Gavin and had heard their discussions about the plot. Further, when Gavin wanted no part of it, Z had gone foraging in the neighbourhood for a helmet and a jacket and had succeeded in stealing the items. He had also asked in envy earlier why he was not the one chosen to do the killing. Anthony Ler also did not think Z was capable of killing. It would be entirely safe to play the game with Z and it would be a cinch for Anthony Ler to score a hat trick within one week or so of gaming. If he had told Z to throw away the helmet, why was it still on the bicycle when he borrowed it to cycle home urgently?

292 Z could not have followed Anthony Ler on the various bus services to Hougang without Anthony Ler noticing him at some point. On Monday 14 May 2001, it was too much of a coincidence that Z would also choose to visit his uncle in Hougang at about the same time that night and then choose to ask Anthony Ler for money at the last moment on the bus. Even if Anthony Ler had forgotten to bring a pen along when he knew that two documents had to be signed by his wife that night, why did he not tell her to bring one on the way down? Further, when he realized that they had no pen, why think of borrowing one from the coffeeshop some 10 minutes walk away? When his wife went back upstairs to get a pen, the most natural thing to do would be to go up with her and the daughter, wait outside the flat while she signed the two documents, collect the documents and then leave. It was already 11.30 pm to 11.45 pm, past the daughters bedtime (which, he has said, is 10.30 pm to 11 pm). Yet Anthony Ler chose to play for five minutes at the playground with the four year old daughter with whom he had spent practically the entire afternoon just the day before. It was also incredibly

coincidental that Z should be lying in wait at the fourth floor at the precise moment when Annie Leong made her way back up alone.

293 On Monday 14 May 2001, the murder could not be made to look like a robbery because Annie Leong refused to go to the coffeeshop and would therefore not have her wallet with her. It did not matter to Anthony Ler anymore. He was getting desperate. He had failed with Tze Howe, then with Gavin and here was Z, practically his only hope, but with a major flaw in Anthony Ler's eyes the boy had a troublesome conscience against killing, especially in the presence of the daughter. Anthony Ler saw and seized the windfall of a tipsy, former wrestler who had challenged him to a fight on Saturday 12 May 2001 and which incident had been noted by police officers and others. He would cast the murder as a revenge attack by Darshan Singh to deflect any suspicion about himself.

294 Anthony Ler may have loved his daughter but clearly that love was eclipsed by his financial and matrimonial problems. He stands to gain financially from Annie Leong's death. Even if he has to sell the maisonette, the financial equation is now much more favourable to him. There is also no divorce now and no maintenance to pay. Wherever he may decide to leave his daughter later, he is the only parent left and would have unrestricted access to her from now on. He had every incentive to have his wife killed and he used Z to do the dirty work.

295 There was never a joke or a game of bluff with Tze Howe, Gavin or Z. It was a serious death match on the chessboard of reality where the young men were to be his pawns and he, as "King", would direct the demise of his own "Queen". The only bluff in this case is the testimony of Anthony Ler. The expression of shock, the seeming concern for the dying Annie and the tears at the funeral were nothing more than rehearsed acts performed by an accomplished actor.

296 Z's statements to the police implicated both Anthony Ler and himself quite unambiguously in the killing of Annie Leong. I have already stated that they amount to confessions. Pursuant to Section 30 of the Evidence Act, where more persons than one are being tried jointly for the same offence (and "offence" here includes the abetment of or attempt to commit the offence), and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration the confession as against the other person as well as against the person who makes the confession.

297 The Court of Appeal in *Chin Seow Noi & Ors v PP* [1994] 1 SLR 135 has held that Section 30 of the Evidence Act allows the conviction of an accused to be sustained solely on the basis of a confession by his co-accused, provided the evidence emanating from that confession satisfies the Court beyond reasonable doubt of the accused's guilt. The Court, in assessing the evidentiary value of a co-accused's confession against the accused, will have to take into careful consideration the incentive that the co-accused might have to lie and to shift most of the blame onto the accused. This approach to the application of Section 30 of the Evidence Act was reaffirmed by the Court of Appeal in *Chai Chien Wei Kelvin v PP* (cited earlier). I note Mr Subhas Anand's reminder that the section speaks of "may take into consideration" and not must.

298 Since Z's statements and his oral testimony in Court are essentially the same, in the light of what I have said above, it becomes an academic issue whether the statements by themselves would have been sufficient to convict Anthony Ler.

299 There was no need to call Ming Han (Z's friend) to corroborate Z's testimony about returning from Hougang on Friday 11 May 2001 at about 11 pm. Z was already in Pasir Ris by then and Ming Han would not know where Z was coming from or where he was going. As for Z's mother, the failure to call her as a Prosecution witness was not a fatal one. Her evidence would only be for the purpose of

corroborating Zs assertion that he had returned home at about 7 am on Thursday 10 May 2001 because he was at Anthony Lers home. The Prosecution has made an open offer to the Defence to ask for any particular witness to be called and that offer was not taken up in any event.

300 Did Anthony Ler abet Z to murder Annie Leong by instigating him? To make good the offence of abetment by instigation, the Prosecution must show that there has been "active suggestion, support, stimulation or encouragement" (*PP v Lim Tee Hian* [1992] 1 SLR 45 at 64, applied in *Jimina Jacee v PP* [2000] 1 SLR 205). Clearly, Anthony Ler hatched the idea of killing his wife, taught Z how to do it cleanly, kept egging him on and finally practically forced him to commit the offence. It makes no difference even if Z did not kill strictly according to plan or got rid of the incriminating evidence in a manner contrary to instructions. The instigation was to go and kill Annie Leong and Z did precisely that as a consequence of the instigation. The Prosecution has also proved the Charge against Anthony Ler beyond reasonable doubt. Anthony Ler is therefore guilty as charged and I convict him accordingly.

301 Six words summarize this whole case:

Murder Anthony wrote.

Murder Z wrought.

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THE SENTENCES

302 The only sentence provided by law for murder is the death penalty. Abetment of murder, by virtue of Section 109 of the Penal Code, is also punishable with death. Section 213 of the Criminal Procedure Code however provides:

"**213.** Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of 18 years but instead of that the court shall sentence him to be detained during the Presidents pleasure, and, if so sentenced, he shall be liable to be detained in such place and under such conditions as the President directs, and while so detained shall be deemed to be in legal custody."

303 Z was only 15 when he committed this offence. Accordingly, Z, I do hereby sentence you to be detained during the Presidents pleasure.

304 I shall now pass the mandatory death sentence on Anthony Ler.

Sgd:

TAY YONG KWANG
JUDICIAL COMMISSIONER

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