

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

**Coroner's Inquiry Number: 002014 of 2012**

**Inquiry into the death of:**

**SHANE TRUMAN TODD**  
(Passport No.: 047507887)

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**CLOSING SUBMISSIONS BY THE STATE**

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17 June 2013

Submitted by:  
Attorney-General's Chambers  
1 Upper Pickering Street  
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**CONTENTS**

**I. INTRODUCTION.....1**

**II. ON SCENE POLICE INVESTIGATIONS .....1**

    A. NO SIGNS OF FOUL PLAY OBSERVED BY FIRST POLICE RESPONDERS ..... 1

    B. INVESTIGATION OFFICERS’ PRELIMINARY ASSESSMENT OF ABSENCE OF FOUL PLAY.....5

**III. CAUSE OF DEATH .....7**

    A. MEDICAL CAUSE OF DEATH.....7

    B. MECHANICS OF HANGING..... 11

**IV. CIRCUMSTANCES OF DEATH.....12**

    A. PSYCHIATRIC EVIDENCE ..... 12

    B. DNA EVIDENCE..... 16

    C. COMPUTER FORENSIC EVIDENCE .....17

    D. EVIDENCE RELATING TO SHANE’S WORK AT IME .....20

**V. ALLEGATIONS BY NEXT-OF-KIN.....22**

**VI. CONCLUSION.....26**

## **I. INTRODUCTION**

1 The purpose of a Coroner's inquiry is to inquire into the cause of, and circumstances connected with, the death of a person. The Coroners Act provides that an inquiry must be directed at ascertaining the following matters, in so far as they may be ascertained:<sup>1</sup>

- (a) the identity of the deceased; and
- (b) how, when, and where the deceased came by his death.

2 The identity of the deceased in this case, Dr Shane Truman Todd ("Shane"), was definitively ascertained in the course of police investigations.

3 In relation to when Shane came by his death, it was established during the inquiry that Luis Alejandro Andia Montes<sup>2</sup> was the last known person to have seen Shane alive, at around 7:00 pm on 23 June 2012.<sup>3</sup> Shane's death must have occurred between 7:00 pm on 23 June 2012 and 6:47 pm on 24 June 2012, when his body was found.

4 The focus of these submissions will be on how and where Shane died, and whether the evidence points to a case of suicide, or if there is any evidence of foul play suggesting a homicide.

## **II. ON SCENE POLICE INVESTIGATIONS**

### ***A. No signs of foul play observed by first police responders***

5 Staff Sergeant Ang Yew Hua,<sup>4</sup> Special Constable Muhammad Danial bin Mohammed Noh<sup>5</sup> and Special Constable Corporal Mohamad Yussof bin Muhamad Hussain<sup>6</sup> were the first police responders on the scene.

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<sup>1</sup> See s 27 of the Coroner Act (Cap 63A, 2012 Rev Ed).

<sup>2</sup> C303 (Conditioned Statement ("CS") of Luis Alejandro Andia Montes).

<sup>3</sup> C303 (CS of Luis Alejandro Andia Montes) at [7].

<sup>4</sup> C1 (CS of Staff Sergeant Ang Yew Hua).

<sup>5</sup> C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh).

<sup>6</sup> C3 (CS of Special Constable Corporal Muhamad Yussof bin Muhamad Hussain).

6 When they arrived at the scene, Shane's girlfriend, Shirley Sarmiento,<sup>7</sup> told them that her boyfriend had hanged himself.<sup>8</sup> The door to Shane's apartment was not locked and there were no signs of forced entry.<sup>9</sup> There were similarly no signs of forced entry on the door to Shane's bedroom, which was also unlocked.<sup>10</sup>

7 When they entered the apartment, they saw clothes scattered in the living room. There were no signs that the living room had been ransacked.<sup>11</sup> All the furniture in the living room appeared in order.<sup>12</sup> There were boxes in the living room, suggesting that someone was in the midst of packing.<sup>13</sup>

8 In the bedroom, SSGT Ang and SC Danial saw Shane's body hanging from a black strap, with his back to the door of the toilet attached to the bedroom.<sup>14</sup> The door to this toilet was observed to be locked.<sup>15</sup> The valuables in the bedroom were intact.<sup>16</sup>

9 There were no bloodstains in the apartment and no signs of a struggle.<sup>17</sup> Shirley also informed the police officers that Shane had been suffering from depression.<sup>18</sup>

10 SSGT Ang checked for a pulse, but no pulse was detected.<sup>19</sup> Shane's body was cold.<sup>20</sup> SC Danial and SSGT Ang saw redness on both of Shane's forearms and legs, but they did not see any

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<sup>7</sup> C145 (CS of Shirley Sarmiento).

<sup>8</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [5]; C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh) at [6]; C3 (CS of Special Constable Corporal Muhamad Yussof bin Muhamad Hussain) at [6].

<sup>9</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [6]; C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh) at [7]; C3 (CS of Special Constable Corporal Muhamad Yussof bin Muhamad Hussain) at [7].

<sup>10</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [7]; C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh) at [8].

<sup>11</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [6]; C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh) at [7]; C3 (CS of Special Constable Corporal Muhamad Yussof bin Muhamad Hussain) at [7].

<sup>12</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [6]; C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh) at [7].

<sup>13</sup> C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh) at [7].

<sup>14</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [7]; C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh) at [8].

<sup>15</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [7].

<sup>16</sup> C16 (CS of Sergeant Muhammad Khaldun bin Sarif) at [10]; C30 (CS of Senior Station Inspector Rayme Darman bin Ariff Koh) at [14].

<sup>17</sup> C30 (CS of Senior Station Inspector Rayme Darman bin Ariff Koh) at [6]; C31 (CS of Woman Sergeant Rajina Sharma d/o Rajandran) at [9]; NE: 14 May 2013, p 14 (lines 22-25); NE: 14 May 2013, p 15 (line 1); NE: 27 May 2013, p 112 (lines 5-24).

<sup>18</sup> C31 (CS of Woman Sergeant Rajina Sharma d/o Rajandran) at [14]; C1 (CS of Staff Sergeant Ang Yew Hua) at [12].

visible signs of injury on his body.<sup>21</sup> They saw an upright wooden chair, with a towel lying flat under its four legs, about 1.3 metres in front of Shane's hanging body.<sup>22</sup> An ambulance was called for, and two paramedics from the Singapore Civil Defence Force,<sup>23</sup> one of whom was Staff Sergeant Low Pey Yun,<sup>24</sup> were dispatched to the scene. By that time, other police officers had also arrived at the scene.<sup>25</sup>

11 When the paramedics arrived at the scene, Shane's body was brought down on the instructions of Assistant Superintendent of Police Tan Jun Wei.<sup>26</sup> ASP Tan testified that this was in accordance with police protocol, which required that a hanging body be brought down so that the paramedics at the scene could have access to the body to examine whether any life-saving techniques could be performed.<sup>27</sup>

12 SSGT Low was present in the bedroom when Special Constable Soh Guan Huat, Dennis,<sup>28</sup> following ASP Tan's directions, cut the strap at a point above the noose around Shane's neck.<sup>29</sup> Before this was done, SC/SGT Soh used his mobile-phone and took two photographs of Shane's body in its hanging position.<sup>30</sup> SC/SGT Soh had been asked to take these photographs in the event the Investigation Officer needed them.<sup>31</sup>

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<sup>19</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [7].

<sup>20</sup> C7 (CS of Staff Sergeant Low Pey Yun) at [6]; C1 (CS of Staff Sergeant Ang Yew Hua) at [7].

<sup>21</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [8] and [16]; C2 (CS of Special Constable Muhammad Danial bin Mohammed Noh) at [8].

<sup>22</sup> The location of the chair was marked out by SSGT Sabrina on C56 (one of the 56 clear coloured photographs of the property) – see NE: 13 May 2013, p 58 (lines 4-24).

<sup>23</sup> They were rostered to work the day shift on 24 June 2012 (from 8:00 am to 9:00 pm).

<sup>24</sup> C7 (CS of Staff Sergeant Low Pey Yun).

<sup>25</sup> These police officers are Woman Staff Sergeant Sabrina binte Mohamed, Special Constable Soh Guan Huat, Dennis, Corporal Muhammad Shammer bin Mohamed Hassan.

<sup>26</sup> ASP Tan had been contacted by mobile-phone by Woman Staff Sergeant Sabrina binte Mohamed; see C4 (CS of Woman Staff Sergeant Sabrina binte Mohamed) at [6]; see C11 (CS of Assistant Superintendent of Police Tan Jun Wei) at [5].

<sup>27</sup> NE: 13 May 2013, p 73 (lines 7-25) and NE: 13 May 2013, p 74 (lines 1-15). SSGT Sabrina had testified to similar effect – see NE: 13 May 2013, p 61 (lines 4-20).

<sup>28</sup> C5 (CS of Special Constable Sergeant Soh Guan Huat, Dennis).

<sup>29</sup> C7 (CS of Staff Sergeant Low Pey Yun) at [6]; C5 (CS of Special Constable Sergeant Soh Guan Huat, Dennis) at [10].

<sup>30</sup> C5 (CS of Special Constable Sergeant Soh Guan Huat, Dennis) at [8]; C6 (Two mobile phone photographs).

<sup>31</sup> C5 (CS of Special Constable Sergeant Soh Guan Huat, Dennis) at [8].

13 ASP Tan,<sup>32</sup> SSGT Ang,<sup>33</sup> SSGT Sabrina,<sup>34</sup> and SSGT Low<sup>35</sup> gave evidence that the mobile-phone photographs accurately depict the position of Shane's body before SC/SGT Soh cut it down. When shown the photographs taken with SC/SGT Soh's mobile phone, Shirley indicated that apart from the angle of Shane's head, everything else was similar to what she witnessed when she first noticed the body.<sup>36</sup>

14 After SC/SGT Soh had cut the strap at a point above the noose around Shane's neck, police officers and the paramedics carried the body and placed it on the floor of the bedroom.<sup>37</sup> While Shane's body was being brought down from its hanging position, CPL Shammer pushed the chair (and the towel lying under it) backwards, about 1.3 metres, toward the bed.<sup>38</sup> The chair was pushed because it was in a position that made it difficult to bring Shane's body down to the floor of the bedroom.<sup>39</sup>

15 Apart from Shane's angulated hyper-extended neck, SSGT Low found no other visible signs of injury when she examined Shane's body.<sup>40</sup> The police officers also noted no signs of visible injury after examining his body.<sup>41</sup>

16 SSGT Low saw that there were signs of blood pooling on Shane's extremities.<sup>42</sup> She performed an electrocardiogram test to establish if Shane was still alive.<sup>43</sup> There was no heartbeat and she pronounced Shane dead at about 7:20 pm.<sup>44</sup>

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<sup>32</sup> NE: 13 May 2013, p 72 (line 25); NE: 13 May 2013, p 72 (lines 1-13).

<sup>33</sup> NE: 13 May 2013, p 30 (lines 1-10).

<sup>34</sup> NE: 13 May 2013, p 56 (lines 11-21).

<sup>35</sup> NE: 13 May 2013, p 65 (lines 16-25) and NE: 13 May 2013, p 66 (lines 1-2).

<sup>36</sup> NE: 13 May 2013, p 12 (lines 2-7).

<sup>37</sup> C1 (CS of Staff Sergeant Ang Yew Hua) at [8]; C7 (CS of Staff Sergeant Low Pey Yun) at [6]; C9 (CS of Corporal Muhammad Shammer bin Mohamed Hassan) at [10]; C11 (CS of Assistant Superintendent of Police Tan Jun Wei) at [12].

<sup>38</sup> C9 (CS of Corporal Muhammad Shammer bin Mohamed Hassan) at [10].

<sup>39</sup> C9 (CS of Corporal Muhammad Shammer bin Mohamed Hassan) at [10].

<sup>40</sup> C7 (CS of Staff Sergeant Low Pey Yun) at [5]; NE: 13 May 2013 (lines 5-18).

<sup>41</sup> These police officers are SSGT Ang, SC Danial, CPL Shammer, Corporal Sim Zhi Wen, ASP Tan and Special Constable Corporal Noor Khairul bin Harun.

<sup>42</sup> C7 (CS of Staff Sergeant Low Pey Yun) at [6].

<sup>43</sup> C7 (CS of Staff Sergeant Low Pey Yun) at [6].

<sup>44</sup> C7 (CS of Staff Sergeant Low Pey Yun) at [6].

***B. Investigation Officers' preliminary assessment of absence of foul play***

17 Investigation Officer Sergeant Muhammad Khaldun bin Sarif<sup>45</sup> arrived at the scene with Senior Investigation Officer Senior Station Inspector Rayme Darman bin Ariff Koh<sup>46</sup> at about 7:56 pm.<sup>47</sup> By this time, Shane's body had been brought down from the hanging position. SIO Koh and IO Khaldun found no visible signs of injury on the body.<sup>48</sup>

18 They were alerted by SSGT Ang to a "Post-it" pad on the television console in the bedroom.<sup>49</sup> The second sheet of the pad had a password written on it.<sup>50</sup> They also saw a Hewlett Packard laptop and HTC "Desire 8181" mobile-phone on the bed.<sup>51</sup>

19 SIO Koh accessed the HP Laptop<sup>52</sup> using the password written on the "Post-it" note.<sup>53</sup> A two-page document immediately appeared on the screen, with the filename "letter.pdf".<sup>54</sup>

20 SIO Koh explained that he accessed the HP Laptop in the bedroom because he strongly believed that the password on the second "Post-it" note was left behind for a reason, and this would aid him in determining what the next appropriate course of action should be.<sup>55</sup> IO Khaldun supported this decision.<sup>56</sup>

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<sup>45</sup> C16 (CS of Sergeant Muhammad Khaldun bin Sarif).

<sup>46</sup> C30 (CS of Senior Station Inspector Rayme Darman bin Ariff Koh). SIO Koh has been a police officer with the Central Police Division since September 1994. He has been an Investigation Officer with the Central Police Division since December 2006 – see NE:14 May 2013, p 30 (lines 2-25) and NE: 14 May 2013, p 31 (line 1).

<sup>47</sup> Both SIO Koh and IO Klahdun had been rostered to perform the morning shift on 24 June 2012 – see NE: 14 May 2013, p 31 (lines 16-25); NE: 14 May 2013, p 32 (lines 1-10); NE: 27 May 2013, p 99 (lines 10-25); NE: 27 May 2013, p 100 (lines 1-12).

<sup>48</sup> C16 (CS of Sergeant Muhammad Khaldun bin Sarif) at [9]; C30 (CS of Senior Station Inspector Rayme Darman bin Ariff Koh) at [11].

<sup>49</sup> C30 (CS of Senior Station Inspector Rayme Darman bin Ariff Koh) at [13].

<sup>50</sup> The handwriting was analysed by the HSA and found to have been "probabl[y]" written by Shane; see C179 (Report from the Forensic Chemistry and Physics Laboratory of the HSA in relation to three handwriting samples (Lab No.:FC-1242-00042)).

<sup>51</sup> C16 (CS of Sergeant Muhammad Khaldun bin Sarif) at [10]; C30 (CS of Senior Station Inspector Rayme Darman bin Ariff Koh) at [13].

<sup>52</sup> SIO Koh had used gloves when he accessed the HP Laptop – see NE: 27 May 2013, p 103 (lines 19-25) and NE: 27 May 2013, p 104 (lines 1-3).

<sup>53</sup> C30 (CS of Senior Station Inspector Rayme Darman bin Ariff Koh) at [15].

<sup>54</sup> C203 (Hard copy of the two-page document, titled "letter.pdf", in Portable Document Format ("PDF")). The contents of the file are set out in the State's Opening Statement.

<sup>55</sup> NE: 14 May 2013, p 40 (lines 13-25) and NE: 14 May 2013, p 41 (lines 1-5).

<sup>56</sup> NE: 27 May 2013, p 106 (lines 6-17).

21 Together, SIO Koh and IO Khaldun made a preliminary assessment that there was no foul play in this case because:<sup>57</sup>

- (a) there were no signs of forced entry on the doors leading to Shane's bedroom;
- (b) there were no signs of ransacking or struggle;
- (c) there were no bloodstains anywhere in the apartment;
- (d) there were no visible signs of injury on Shane's body;
- (e) the bedroom where Shane's body was found was neater than the living room;
- (f) the document which appeared when SIO Koh accessed the HP Laptop comprised of a series of suicide notes addressed to various people, including Shane's family members, apparently written by Shane.;
- (g) Shirley had informed several police officers at the scene that Shane had been suffering from depression because of his work; and
- (h) all the valuables in the apartment were intact.<sup>58</sup>

22 ASP Tan and SSGT Ang had made similar assessments that there were no signs of foul play.<sup>59</sup>

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<sup>57</sup> For SIO Koh's evidence on this point, see:

- (a) NE: 14 May 2013, p 32 (lines 7-25);
- (b) NE: 14 May 2013, p 33 (lines 1-25);
- (c) NE: 14 May 2013, p 34 (lines 1-25);
- (d) NE: 14 May 2013, p 35 (lines 1-25);
- (e) NE: 14 May 2013, p 36 (lines 1-25);
- (f) NE: 14 May 2013, p 37 (lines 1-25);
- (g) NE: 14 May 2013, p 38 (lines 1-25); and
- (h) NE: 14 May 2013, p 39 (lines 1-20).

For IO Khaldun's evidence on this point, see:

- (a) NE: 27 May 2013, p 111 (lines 9-25);
- (b) NE: 27 May 2013, p 112 (lines 1-25);
- (c) NE: 27 May 2013, p 113, (lines 1-15); and
- (d) NE: 27 May 2013, p 114 (lines 1-12).

<sup>58</sup> This included the HP Laptop, the HTC mobile-phone: Shane's wallet (containing cash and several credit cards), and Shane's passport.



### **III. CAUSE OF DEATH**

23 The most important factor in determining how Shane came by his death is the medical cause of death. Four pathologists gave evidence on this issue during the inquiry.

24 Evidence was also led from Ms Lim Chin Chin, a Senior Consultant Forensic Scientist and Laboratory Director with the Forensic Chemistry and Physics Laboratory of the Health Sciences Authority (“HSA”), relating to the mechanics of how Shane might have hanged himself.

#### **A. *Medical cause of death***

25 The autopsy report prepared by Dr Wu Jia Hao and supervised by Dr Wee Keng Poh certified the cause of death as “asphyxia due to hanging”.<sup>60</sup>

26 Dr Wee gave evidence that he reached this conclusion on the basis of the following:<sup>61</sup>

- (a) the ligature mark around Shane’s neck was typical of hanging;<sup>62</sup>
- (b) the autopsy revealed no haemorrhage or fractures within Shane’s neck; and
- (c) there were no other injuries on Shane’s body aside from the ligature mark on the exterior of Shane’s neck.

27 This conclusion was reviewed by three medical examiners from the United States of America. Dr David Richard Fowler and Dr Valerie Josephine Rao, who had been engaged by the HSA, concurred with the view that Shane’s death resulted from asphyxia due to hanging.<sup>63</sup> Dr Edward Harris Adelstein, who had been engaged by the Next-of-Kin, disagreed with the certified cause of death, without offering an alternative cause of death supported by any evidence.

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<sup>59</sup> NE: 13 May 2013, p 78 (lines 1-21); NE: 13 May 2013, p 50 (lines 2-25) and NE: 13 May 2013, p 51 (lines 1-25).

<sup>60</sup> C171 (Autopsy Report (Case No.: AZ1251-03911)).

<sup>61</sup> The three reasons are set out in C207 (Reply from Dr Wee to the October 2012 clarification dated 17 October 2012) at [2].

<sup>62</sup> In C242 (Enlarged photo of the neck area), Dr Wee had traced the classic “Inverted V” ligature mark (typically seen in cases of hanging) at the back of Shane’s neck.

<sup>63</sup> See NE: 22 May 2013, p 18 (lines 11-15) for Dr Fowler’s explicit agreement, as well as NE: 22 May 2013, p 49 (line 25) and NE: 22 May 2013, p 50, (lines 1-3) for Dr Rao’s explicit agreement.

28 Dr Fowler and Dr Rao registered their agreement with all of the views expressed by Dr Wee.<sup>64</sup> They each also endorsed the views expressed by the other in their respective reports.<sup>65</sup>

29 Dr Fowler and Dr Rao went further to provide their professional opinion as to the manner of death. In his report, Dr Fowler stated that the manner of death in this case was suicide.<sup>66</sup> Dr Rao had said that the autopsy was “typical of that seen in a hanging suicide”.<sup>67</sup>

30 Dr Adelstein’s initial opinion was that Shane had been killed by garrotting.<sup>68</sup> He had not had sight of the 16 autopsy photographs when he formed this opinion, and had relied on five photographs taken about 10 days after the autopsy.<sup>69</sup> Based on these photographs, he formed the view that there were injuries on Shane’s hands and head.<sup>70</sup> He had not seen fit to suggest that a second autopsy be performed in order to procure evidence of the homicide he believed had taken place.<sup>71</sup> He also had not seen the need to travel to Montana for a closer examination of the alleged “injuries” on the body.<sup>72</sup> At the inquiry, he testified that this view had been formed based on speculation without any proof,<sup>73</sup> and he retracted his opinion that Shane had been killed by garrotting.<sup>74</sup>

31 However, he maintained that Shane was already dead when he was “hung from the door”<sup>75</sup> by “assassins”<sup>76</sup>. When invited to provide his latest view on the cause of Shane’s death, he said

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<sup>64</sup> See NE: 22 May 2013, p 18 (lines 11-15) for Dr Fowler’s explicit agreement, as well as NE: 22 May 2013, p 49 (line 25) and NE: 22 May 2013, p 50, (lines 1-3) for Dr Rao’s explicit agreement.

<sup>65</sup> C216 (Independent Expert Opinion of Dr David Richard Fowler) and C219 (Independent Expert Opinion of Dr Valerie Josephine Rao).

<sup>66</sup> C216 (Independent Expert Opinion of Dr David Richard Fowler).

<sup>67</sup> C219 (Report (viz, Lab. No. FC-1341-00011-A) prepared by Ms Lim Chin Chin, Senior Consultant Forensic Scientist of the Forensic Chemistry and Physics Laboratory, HSA).

<sup>68</sup> His initial findings are contained in C205 (Opinion of Dr Adelstein).

<sup>69</sup> NE: 21 May 2013, p 17 (lines 2-4).

<sup>70</sup> C205 (Opinion of Dr Adelstein).

<sup>71</sup> NE: 21 May 2013, p 24 (lines 20-25); NE: 21 May 2013, p 25 (lines 1-3).

<sup>72</sup> NE: 21 May 2013, p 24 (line 16); NE: 21 May 2013, p 25 (line 10).

<sup>73</sup> NE: 21 May 2013, p 75 (lines 8-22).

<sup>74</sup> NE: 21 May 2013, p 55 (lines 4-19).

<sup>75</sup> NE: 21 May 2013, p 30 (lines 9-10).

<sup>76</sup> NE: 21 May 2013, p 36 (lines 20-21).

that he could only speculate that Shane had been killed by a taser or a carotid arm-lock.<sup>77</sup> He offered no medical evidence to support these hypotheses.<sup>78</sup>

32 Both scenarios were dismissed by Dr Fowler and Dr Rao. Dr Fowler highlighted the absence of any “taser marks” to suggest that Shane might have been killed with a stun gun.<sup>79</sup> Dr Rao added that in all her 32 years of experience as a forensic pathologist, she had never come across a person who died solely from being tasered.<sup>80</sup>

33 In relation to the carotid arm-lock scenario, both Dr Fowler and Dr Rao acknowledged that this was a potentially lethal hold.<sup>81</sup> However, the subject of a carotid arm-lock would naturally struggle to extricate himself from the chokehold and this would result in vertically-running fingernail scratch marks along his neck.<sup>82</sup> In this case, there were no such scratch marks to validate Dr Adelstein’s claim that a carotid arm-lock was the cause of death.<sup>83</sup> According to the toxicology report from the HSA, no foreign compounds were found in Shane’s blood and urine.<sup>84</sup> This indicates that the absence of vertical scratch marks could not be attributable to Shane being unconscious due to the consumption of a stupefying substance.

34 Dr Adelstein speculated that Shane’s death was not caused by asphyxia due to hanging because:<sup>85</sup>

- (a) Shane’s lungs were of normal weight;
- (b) there was an absence of conjunctival petechiae; and
- (c) there were multiple blunt trauma injuries on Shane’s knuckles and head.

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<sup>77</sup> NE: 21 May 2013, p 34 (lines 4-23).

<sup>78</sup> NE: 21 May 2013, p 35 (lines 16-20); NE: 21 May 2013, p 36 (lines 12-14).

<sup>79</sup> NE: 22 May 2013, p 20 (lines 20-22).

<sup>80</sup> NE: 22 May 2013, p 51 (lines 2- 9).

<sup>81</sup> NE: 22 May 2013, p 23 (lines 19-20).

<sup>82</sup> NE: 22 May 2013, p 23 (line 17); NE: 22 May 2013, p 24 (line 25); NE: 22 May 2013, p 51 (lines 10-18).

<sup>83</sup> NE: 22 May 2013, p 23 (lines 22-25); NE: 22 May 2013, p 24 (lines 1-25); NE: 22 May 2013, p 51 (lines 10-18).

<sup>84</sup> C173 (Toxicology report (Lab No.: TX-1231-04444) by HSA analyst Mr. Low Xuankai, Alex).

<sup>85</sup> C205 (Opinion of Dr Adelstein).

35 Dr Wee, Dr Fowler and Dr Rao were all in agreement that the weight of the lungs in a deceased person was subject to a host of variables.<sup>86</sup> It could not be concluded, solely because Shane's lungs were of normal weight, that he could not have died from asphyxia due to hanging.<sup>87</sup>

36 In relation to the absence of petechiae, Dr Rao observed a relatively low incidence of conjunctival petechiae among those who died from hanging and confirmed that no relationship exists between the development of petechiae and the presence or absence of asphyxia.<sup>88</sup> The absence of petechiae in the eyes and surrounding areas on Shane's face did not preclude the possibility that he had died from asphyxia due to hanging.<sup>89</sup>

37 Dr Adelstein testified that there were multiple blunt trauma injuries on Shane's knuckles<sup>90</sup> and head.<sup>91</sup> However, Dr Wee, Dr Fowler and Dr Rao gave evidence that there were no bruises on Shane's hands or head.<sup>92</sup> Rather, the areas of mottling depicted in the photographs were due to post-mortem hypostasis or lividity, and not bruising. Dr Fowler explained that these alleged bruises were not present at the time of autopsy.<sup>93</sup> If there was indeed bruising, they would have been evident at the time of the autopsy given that bruises were usually apparent within minutes.<sup>94</sup>

38 Shane's scalp had been reflected during the post-mortem examination and there was no haemorrhaging observed underneath.<sup>95</sup> Dr Wee had explained how a bruise on the forehead would manifest in the form of bleeding beneath the scalp whereas the discolouration of parts of the forehead caused by post-mortem lividity would not.<sup>96</sup> Dr Adelstein also conceded that if there had been a bruise on Shane's forehead at the time of the autopsy, there would likely have been some

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<sup>86</sup> Dr Wee's NE: 16 May 2013, p 66 (lines 1-4); Dr Fowler's NE: 22 May 2013, p 34 (lines 7-11); Dr Rao's NE: 22 May 2013, p 59 (lines 18-22).

<sup>87</sup> Dr Wee's NE: 16 May 2013, p 64 (lines 24-25); Dr Fowler's NE: 22 May 2013, p 37 (lines 1-4); Dr Rao's NE: 22 May 2013, p 59 (lines 7-14).

<sup>88</sup> NE: 22 May 2013, p 57 (lines 11-19); see also C312 (Petechiae in Hanging).

<sup>89</sup> NE: 22 May 2013, p 58 (lines 9-23).

<sup>90</sup> Dr Adelstein alleges that this can be seen from C193 (Autopsy photograph).

<sup>91</sup> Dr Adelstein alleges that this can be seen from C189 (Autopsy photograph).

<sup>92</sup> The three forensic pathologists were referred to C188, C189, C193, C194 and C249 to C255 and they noted no bruises on Shane's head and knuckles.

<sup>93</sup> NE: 22 May 2013, p 40 (lines 20-25).

<sup>94</sup> NE: 22 May 2013, p 41 (line 1).

<sup>95</sup> NE: 16 May 2013, p 60 (lines 22-25).

<sup>96</sup> NE: 16 May 2013, p 61 (lines 23-25); NE: 16 May 2013, p 62 (lines 1-14).

haemorrhaging beneath the reflected scalp.<sup>97</sup> The absence of haemorrhaging negates the possibility that Shane's forehead was bruised prior to death.

39 The State submits that the medical cause of Shane's death was asphyxia due to hanging, and that Dr Adelstein's speculation that Shane was killed by a taser or a carotid arm lock should be rejected due to the lack of any supporting evidence.

***B. Mechanics of hanging***

40 Ms Lim Chin Chin of the HSA had conducted simulation experiments to determine if Shane could have physically manoeuvred himself, without assistance, into the position in which he was found. Her experiments determined that he could have done so, by:<sup>98</sup>

- (a) pressing the push button of the interior door knob on the inside of the toilet door;
- (b) securing the hangman's noose ("Knot 2") around his neck;
- (c) placing the collection of knots and the buckle ("Knot 1") over the top edge of the toilet door, while standing on the chair;
- (d) closing and locking the door so as to secure Knot 1 of the strap between the top edge of the toilet door and the head jamb of the door frame; and
- (e) kicking the chair away, such that its final position was located between 94cm to 170cm from the toilet door.<sup>99</sup>

41 In doing so, Shane's feet would reach and be flat on the bedroom floor.<sup>100</sup>

42 Ms Lim's findings are consistent with the observations of the police officers who attended to the scene on 24 June 2012. She testified that the location and directionality of the scratch marks

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<sup>97</sup> NE: 21 May 2013, p 52 (lines 4-6).

<sup>98</sup> C220 (Report (viz, Lab. No. FC-1341-00011-A) prepared by Ms Lim Chin Chin, Senior Consultant Forensic Scientist of the Forensic Chemistry and Physics Laboratory, HSA) at [77].

<sup>99</sup> C220 (Report (viz, Lab. No. FC-1341-00011-A) prepared by Ms Lim Chin Chin, Senior Consultant Forensic Scientist of the Forensic Chemistry and Physics Laboratory, HSA) at [148].

<sup>100</sup> C220 (Report (viz, Lab. No. FC-1341-00011-A) prepared by Ms Lim Chin Chin, Senior Consultant Forensic Scientist of the Forensic Chemistry and Physics Laboratory, HSA) at [157].

on the floor caused by kicking the chair away during the simulation experiments were consistent with the marks found on the bedroom floor.<sup>101</sup>

43 Ms Lim testified that IO Khaldun had informed her that Shane had made an internet search on how to tie a hangman's noose.<sup>102</sup> She said that the instructions for the construction of the Hangman's noose stated in the 7-step internet guide<sup>103</sup> were found to be similar to the construction of Knot 2, except that 13 turns was suggested in the website, instead of 3 turns found in Knot 2.<sup>104</sup> However, the website indicated that fewer turns could be used, and further recommended an odd number of turns.<sup>105</sup>

44 The findings of Ms Lim's simulation experiments confirm that it was possible for Shane to have hanged himself without assistance. This is consistent with the medical cause of death being asphyxia due to hanging.

#### **IV. CIRCUMSTANCES OF DEATH**

##### **A. *Psychiatric evidence***

45 Shane had sought medical treatment from Dr Clarence Yeo and Dr Nelson Lee in March and April 2012 respectively.

46 Dr Yeo's evidence makes clear that Shane had proactively sought medical treatment for his stress and difficulties coping and sleeping. He said that the only purpose of Shane's consultation was to seek medical treatment for his symptoms of stress.<sup>106</sup>

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<sup>101</sup> C220 (Report (viz, Lab. No. FC-1341-00011-A) prepared by Ms Lim Chin Chin, Senior Consultant Forensic Scientist of the Forensic Chemistry and Physics Laboratory, HSA) at [149e].

<sup>102</sup> C220 (Report (viz, Lab. No. FC-1341-00011-A) prepared by Ms Lim Chin Chin, Senior Consultant Forensic Scientist of the Forensic Chemistry and Physics Laboratory, HSA) at [51].

<sup>103</sup> C326 (Bundle of suicide searches): this website was accessed on 7 occasions by Shane, namely, on 10/03/12, 11/03/12, 12/5/2012, 13/05/12, 18/05/12, 20/05/12, 22/05/12.

<sup>104</sup> C220 (Report (viz, Lab. No. FC-1341-00011-A) prepared by Ms Lim Chin Chin, Senior Consultant Forensic Scientist of the Forensic Chemistry and Physics Laboratory, HSA) at [51].

<sup>105</sup> NE: 16 May 2013, p 3 (lines 3-15).

<sup>106</sup> NE: 16 May 2013, p 107 (2-3).

47 Dr Yeo referred Shane to Dr Lee as he felt that Shane's condition could be better managed by a specialist.<sup>107</sup> His decision was motivated by the fact that Shane had a past history of depression and had previously been on anti-depressants.<sup>108</sup> Referring Shane to a private psychiatrist was in Dr Yeo's view, "the medical treatment of choice in this situation".<sup>109</sup>

48 Shane was seen by Dr Lee on 4 April 2012 for "45 minutes to an hour".<sup>110</sup> Prior to the consultation, Shane had indicated in a Patient Information Questionnaire that his main problem was "struggles with stress, anxiety, and depression due to work and life related issues".<sup>111</sup>

49 Dr Lee diagnosed Shane as having major depressive disorder of moderate severity,<sup>112</sup> given his low mood, poor sleep, loss of appetite, poor energy and fatigue as well as loss of concentration.<sup>113</sup> These symptoms had persisted for more than the two-week period required to make a diagnosis of major depressive disorder.<sup>114</sup> In his opinion, once a patient presented with major depressive disorder of moderate severity, "the outcomes aren't as good without the use of medication".<sup>115</sup> He therefore prescribed Lexapro, an anti-depressant, to treat Shane's depression.

50 Dr Lee said that the natural progression of major depressive disorder of moderate severity, was that it would "go downhill" by means of a "feedback loop".<sup>116</sup> Although recovery could ensue without treatment, the chances were not high where patients were suffering from major depressive disorder of moderate severity.<sup>117</sup> Deterioration could occur in a matter of weeks or months.<sup>118</sup>

51 Dr Lee had prescribed Shane with 26 Lexapro tablets. Nineteen tablets were recovered from Shane's apartment. This suggests that Shane could have taken 7 tablets, which could have

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<sup>107</sup> NE: 16 May 2013, p 108 (5-10).

<sup>108</sup> NE: 16 May 2013, p 108 (5-10).

<sup>109</sup> NE: 16 May 2013, p 113 (lines 13-14).

<sup>110</sup> NE: 16 May 2013, p 116 (line 24).

<sup>111</sup> C229 (Dr Nelson lee's case notes).

<sup>112</sup> NE: 16 May 2013, p 120 (lines 22-24).

<sup>113</sup> NE: 16 May 2013, p 119 (lines 23-25).

<sup>114</sup> NE: 16 May 2013, p 120 (lines 3-4).

<sup>115</sup> NE: 16 May 2013, p 121 (lines 10-12).

<sup>116</sup> NE: 16 May 2013, p 135 (lines 14-24).

<sup>117</sup> NE: 16 May 2013, p 121 (lines 10-12).

<sup>118</sup> NE: 16 May 2013, p 122 (lines 9-10).

been taken at a stretch,<sup>119</sup> or intermittently.<sup>120</sup> This would not have had addressed Shane's psychiatric illness. Shane also failed to schedule a follow-up appointment with Dr Lee. It is therefore highly likely his major depressive disorder was not being treated during the two months before his death.

52 Shane's friends and colleagues testified that Shane was "sad"<sup>121</sup>, "not too happy"<sup>122</sup>, "did not appear as jovial"<sup>123</sup> and "did not appear his usual self"<sup>124</sup> towards the end of his life. Shirley said that Shane was "behaving coldly"<sup>125</sup> towards her during this period. When asked what these observations of social withdrawal, taken with the fact that suicide-related internet searches were found on Shane's laptop, said about the severity of Shane's depression, Dr Lee replied that they were symptoms indicating that his major depressive disorder was getting more severe.<sup>126</sup>

53 Shane's friends and colleagues said, however, that Shane did not appear "depressed"<sup>127</sup> and did not inform them that he was "depressed".<sup>128</sup> However, Dr Lee testified that it was possible to mask depression,<sup>129</sup> and it was common for patients to keep depression to themselves.<sup>130</sup> The fact that Shane's colleagues and friends, with the sole exception of Shirley, were unaware of his major depressive disorder, does not mean that he was not suffering from the disease.

54 Dr Lee had assessed that Shane did not have any suicidal ideations during his consultation.<sup>131</sup> However, he gave evidence that suicide assessments were time-sensitive<sup>132</sup> and

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<sup>119</sup> NE: 16 May 2013, p 124 (lines 10-11).

<sup>120</sup> NE: 16 May 2013, p 124 (lines 13-15).

<sup>121</sup> NE: 23 May 2013, p 33 (lines 1-25). Ilker Ender Ocak's testimony was that Shane was sad most of the time and did not seem like he was enjoying himself too much. Shane was sad even at the farewell lunch on 22 June 2012.

<sup>122</sup> NE: 13 May 2013, p 18 (lines 17-25); NE: 13 May 2013, p 19 (lines 1-3) Ali Gilles Tchenguise Miserez informed that Shane was not too happy towards the end of his life.

<sup>123</sup> C141 (CS of Ong Wei Pyng).

<sup>124</sup> C141 (CS of Ong Wei Pyng).

<sup>125</sup> C145 (CS of Shirley Sarmiento).

<sup>126</sup> NE: 16 May 2013, p 137 (lines 4-19).

<sup>127</sup> C135 (CS of Kropelnicki Piotr) at [12].

<sup>128</sup> C133 (CS of Vincent Pott) at [11]; C137 (CS of Soon Bo Woon, Jeffrey) at [17]; C136 (CS of Margarita Sofia Narducci) at [11]; C140 (CS of Joseph Romen Cubillo) at [18]; C156 (CS of Ali Gilles Tchenguise Miserez) at [8].

<sup>129</sup> NE: 16 May 2013, p 128 (lines 12-15).

<sup>130</sup> NE: 16 May 2013, p 157 (lines 3-4).

<sup>131</sup> NE: 16 May 2013, p 127 (lines 11-22).

<sup>132</sup> NE: 16 May 2013, p 129 (line 20).



never 100% accurate.<sup>133</sup> He also said that closer to the date of death, people who complete suicide are less likely to verbalise suicide.<sup>134</sup> His suicide assessment of Shane was at best limited to Shane's mental state on 4 April 2012. A patient might not tell a psychiatrist everything, especially on the first visit, so it was possible that Shane had masked his suicidal ideations from him.<sup>135</sup> When referred to the numerous suicide searches conducted on Shane's HP Laptop, he stated that the "pattern" of "not infrequent searches of suicide" indicated that Shane potentially had suicidal ideations.<sup>136</sup> This was because he had been searching suicidal websites often, with durations that were sometimes as long as four hours.<sup>137</sup>

55 Dr Lee clarified that one of the manifestations of Shane's significant component of anxiety would be a tendency for Shane to indulge in "catastrophising".<sup>138</sup> He explained that "catastrophising" was a phenomenon similar to "over-magnification"<sup>139</sup>, "over-thinking"<sup>140</sup> and "over-analysing".<sup>141</sup> Shane had worried thoughts that he could not control that could have led him to make "mountains" out of "molehills".<sup>142</sup>

56 Dr Lee said that Shane's main stressor was his work, and the removal of this stressor could potentially make him feel better.<sup>143</sup> However, in a depressive disorder, it was very likely that the condition would persist despite the removal of stressors.<sup>144</sup> He had had patients who quit their jobs because of job stress, but this did not cause them to recover spontaneously from their depression.<sup>145</sup> This holds true even if the patient were to return to a loving and supportive family, as major depressive disorder was a disease pattern characterised by chemical imbalances.<sup>146</sup>

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<sup>133</sup> NE: 16 May 2013, p 130 (lines 1-2).

<sup>134</sup> NE: 16 May 2013, p 161 (lines 3-5).

<sup>135</sup> NE: 16 May 2013, p 129 (lines 9-13).

<sup>136</sup> NE: 16 May 2013, p 164 (lines 1-5).

<sup>137</sup> NE: 16 May 2013, p 164 (lines 1-5).

<sup>138</sup> NE: 16 May 2013, p 132 (line 10).

<sup>139</sup> NE: 16 May 2013, p 132 (lines 16-17).

<sup>140</sup> NE: 16 May 2013, p 132 (lines 16-17).

<sup>141</sup> NE: 16 May 2013, p 132 (lines 16-17).

<sup>142</sup> NE: 16 May 2013, p 156 (lines 16-17).

<sup>143</sup> NE: 16 May 2013, p 137 (lines 20-22).

<sup>144</sup> NE: 16 May 2013, p 138 (lines 13-15).

<sup>145</sup> NE: 16 May 2013, p 138 (lines 15-18).

<sup>146</sup> NE: 16 May 2013, p 167 (lines 20-21).

57 Dr Lee was referred to the following lines within a deleted text fragment found on Shane's HP Laptop, which had been addressed to Shirley:

I have been experiencing problems that I have not fully explained to you and these are problems which I don't know how to fix. I quit my job because I wasn't capable of executing what was required of me. And if I went back to the US I foresaw that I would have the same difficulties there. I have been constantly unhappy, and my unhappiness has affected my ability to think properly and solve problems. I am supposed to be someone whose job it is to solve problems, but I am not capable. I am sorry.

58 Dr Lee agreed that the writer of the note was "worried about returning to the States as if his problems would still follow him" and this was suggestive that the writer was "worried" that his depression and anxiety would still continue even if he were to return to America.<sup>147</sup> Dr Lee further said that a change of job and country were stressors in themselves.<sup>148</sup> As such, Shane's enthusiastic job application to Knowles Electronics<sup>149</sup> and job offer from Nuvotronics<sup>150</sup> did not of themselves indicate that he had recovered from his depression.

### ***B DNA Evidence***

59 DNA from unknown persons were found on the black strap and towel around Shane's neck.<sup>151</sup> The HSA DNA Analyst, Mr Kua Guo Wei, confirmed that a person could leave his DNA on an article, be it a strap or towel, through a variety of methods, including a mere touch.<sup>152</sup> A person's DNA profile markers could remain on the article even after the article had been washed,<sup>153</sup> and it was possible for the DNA to remain on the article for weeks, months, and even years.<sup>154</sup> It was not possible to tell when each person had left their DNA on the towel.<sup>155</sup> There was also no way to establish through tests that all the DNA on the strap and towel had been left at the same time.<sup>156</sup>

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<sup>147</sup> NE: 16 May 2013, p 140 (lines 10-14).

<sup>148</sup> NE: 16 May 2013, p 158 (lines 15-25).

<sup>149</sup> C233 (Letter to Knowles Electronics dated June 11, 2012).

<sup>150</sup> C272 (Email containing job offer from Nuvotronics).

<sup>151</sup> C177 (Report from the DNA Profiling Laboratory of the HSA in relation to the rope and towel, Lab No.: DN-1243-01382).

<sup>152</sup> NE: 14 May 2013, p 93 (lines 17-24).

<sup>153</sup> NE: 14 May 2013, p 94 (lines 21-25).

<sup>154</sup> NE: 14 May 2013, p 95 (lines 1-11).

<sup>155</sup> NE: 14 May 2013, p 95 (lines 12-18).

<sup>156</sup> NE: 14 May 2013, p 95 (lines 19-23).

## C Computer Forensic Evidence

60 A forensic examination of Shane's HP Laptop conducted by Assistant Superintendent of Police Soong Yen Peng of the Criminal Investigation Department revealed that numerous suicide-related internet searches had been conducted in the months leading up to his passing.<sup>157</sup>

61 Suggestions were made by the counsel for the Next-of-Kin that the suicide notes<sup>158</sup> and suicide-related searches<sup>159</sup> found on Shane's HP laptop had been introduced by an external device or remote access.<sup>160</sup> ASP Soong said that the suicide-related searches conducted on Shane's HP laptop could not have been introduced via remote access.<sup>161</sup> There was no evidence suggesting that the integrity of the HP laptop had been compromised.<sup>162</sup>

62 Mr Ashraf Massoud had been engaged by the Next-of Kin to examine the hard-disk drive in their possession and to give evidence at the inquiry. He suggested that an unknown person could have tampered with the internet history of Shane's HP Laptop via remote access<sup>163</sup>. ASP Soong testified that this could not be the case as the "windows remote desktop" function<sup>164</sup> was disabled<sup>165</sup> on Shane's HP Laptop.<sup>166</sup> Furthermore, Shane's HP laptop was "password protected", so only a user with the correct password could have accessed the laptop.<sup>167</sup> Given that Mr Massoud's evidence is confined to his analysis of the hard-disk drive, his views in relation to remote access should not be accepted.

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<sup>157</sup> C326 (Bundle of suicide searches).

<sup>158</sup> C203 (Hard copy of the two-page document, titled "letter.pdf", in Portable Document Format ("PDF") format).

<sup>159</sup> C326 (Bundle of suicide searches).

<sup>160</sup> NE: 15 May 2013, p 40 (lines 14-25); NE: 15 May 2013, p 41 (lines 1-3); C284 (CS of Ashraf Massoud).

<sup>161</sup> NE: 15 May 2013, p 44 (lines 18-15); NE: 15 May 2013, p 45 (line 1); C234 (TCFB Report (TCFB/356/2013)).

<sup>162</sup> NE: 15 May 2013, p 42 (lines 13 – 25); NE: 15 May 2013, p 43 (lines 1 – 9).

<sup>163</sup> NE: 20 May 2013, p 148 (lines 7 – 10).

<sup>164</sup> C324 (Shane's laptop remote access) which shows that the "windows remote desktop" function was disabled on Shane's laptop.

<sup>165</sup> See C322 ("3 ways to Enable Remote Desktop Connection In Windows 7") at p 3, which explains that "01 00 00 00" on the document marked C324 means that the "windows remote desktop" function (which allows remote access of Shane's laptop) was in fact **disabled**. If the said function is enabled, the values would be reflected as "00 00 00 00"; see NE: 27 May 2013, p 85-87. Compare this with C324 (Shane's laptop remote access) which shows that the "windows remote desktop" function was **disabled** on Shane's laptop.

<sup>166</sup> See C325 (Telnet: frequently asked questions); ASP Soong testified that "Telnet", the other possible remote access connection program by Windows 7 (which was the operating system of Shane's laptop), was not installed by default, and she therefore effectively ruled out any possibilities of remote access which could have occurred on Shane's HP Laptop; C281 (Document showing Shane's HP laptop's operating system was Windows 7 Home premium).

<sup>167</sup> NE: 15 May 2013, p 45 (lines 2 to 19).

63 In their Conditioned Statements, Shane's family members have indicated that they do not believe that the suicide notes were written by Shane.<sup>168</sup> We submit that this should not be accepted. ASP Soong also testified that the files "letter.docx" and "letter.pdf" had been created on Shane's HP laptop, and could not have been introduced by way of remote access or via an external device.<sup>169</sup> Furthermore, the computer forensic evidence shows that the suicide notes were first saved in ".docx" format on 26 May 2012 at about 3:46 pm, and converted into PDF format the next day, 27 May 2012 at about 8:40 am. SMS text messages between Shane and Shirley on these dates suggest that he was having difficulty coping with his depression on these dates.<sup>170</sup> The coincidence of these facts makes any suggestion that someone other than Shane created the notes or planted them on his laptop extremely implausible.

64 In his evidence, Mr Massoud alleged that a third party had accessed Shane's hard-disk drive on the following dates and times,<sup>171</sup> which he assumed was after Shane had passed away:<sup>172</sup>

- (a) 23 June 2012, between 3:40 am and 3:42 am; and
- (b) 27 June 2012, between 8:36 pm and 8:40 pm.

65 Mr Massoud's claim that someone had accessed Shane's hard-disk drive on 23 June 2012 at 3:40 am by connecting it to a "third laptop"<sup>173</sup> is erroneous.<sup>174</sup> ASP Soong said that the hard-disk

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<sup>168</sup> C285 (CS of Mary Todd) at [30]; C286 (CS of Rick Todd) at [34]; C300 (CS of Charles Elwell Todd) at [10]; C301 (CS of Dylan Koenig Todd) at [5]; C302 (CS of John Richard Todd) at [3].

<sup>169</sup> NE: 14 May 2013, p 124 (lines 15-25); NE: 14 May 2013, p 125 (lines 1-9).

<sup>170</sup> SMS text messages reproduced in the Opening Statement at [58] and [59].

<sup>171</sup> C284 (CS of Ashraf Massoud) at [20] and [28].

<sup>172</sup> In weighing the opinion expressed by Mr Massoud, this court may wish to consider that Mr Massoud's evidence was also based on the "assumption" that Shane was "killed" (i.e. murdered) sometime between 22 June 2012 to 24 June 2012; see C209 (Forensic Analysis Report on a Seagate Free Agent Go Hard Disk bearing serial number 2GE18WCK prepared by Ashraf Massoud) at p 2.

<sup>173</sup> NE: 22 May 2013, p 91 (lines 12-16)

<sup>174</sup> Mr Massoud's claim was premised on an *erroneous interpretation* of C299 which shows that the hard-disk drive was "last **connected** in boot cycle: 23/06/12 3:39:58 AM". Mr Massoud claims that C299 shows that the hard-disk drive was **disconnected (removed)** from Shane's HP laptop. This is clearly wrong. Mr Massoud's evidence was that "the forensic terminology is when a device is attached to a computer is "**last written**", not "last connected in boot cycle"" (see NE: 21 May 2013, p 106-108). Immediately, Mr Massoud was presented with a document of ASP Soong's analysis, which shows that the said hard-disk drive was in fact "**last written** 23/06/2012 3:59:58"; see C307 (USB – Seagate Hard Drive Analysis (Shane's Laptop) Last Time Device Connected). This clearly shows that the hard-disk drive was in fact connected, rather than disconnected, on 23 June 2012, at 3:39 am. Being a computer forensic analyst certified in the "Encase software" (C284 at [9]), he would be able to comment on ASP Soong's analysis. Yet, when invited to comment on the document which clearly contradicts his interpretation that the hard-disk

drive was connected to *Shane's HP laptop* on 23 June 2012 at 3:39 am,<sup>175</sup> and not to a third laptop.<sup>176</sup> The State submits that the person who “opened and viewed” folders in the hard-disk drive on 23 June 2012<sup>177</sup> between 3:40 am and 3:42 am was Shane himself. Luis Alejandro Andia Montes gave evidence that he last saw Shane on 23 June 2012 at about 7 pm, so Shane must have been alive on 23 June 2012 at the above times.

66 With regard to the allegation that a third party had accessed Shane's hard-disk drive on 27 June 2012 between 8:36 pm and 8:40 pm, IO Khaldun gave evidence that he had inserted the hard-disk drive to his own HP Elitebook laptop on 27 June 2012,<sup>178</sup> at about 8:36 pm.<sup>179</sup> ASP Soong confirmed this based on her forensic analysis of IO Khaldun's laptop.<sup>180</sup> IO Khaldun said that he returned the hard-disk drive to Mrs Mary Todd on 28 June 2012, and she acknowledged this by signing an acknowledgment slip.<sup>181</sup> The FBI has also confirmed<sup>182</sup> that the hard-disk drive in the possession of Shane's parents was connected to IO Khaldun's HP Elitebook laptop computer on 27 June 2012.

67 Both Mr and Mrs Todd have said in their Conditioned Statements that a file was “erased” from the hard-disk drive on 27 June 2012, and have cited this as evidence of foul play.<sup>183</sup> Mr Massoud gave evidence that a file named “~\$characterization result to veeco.pptx” had been *intentionally* deleted by someone on 27 June 2012 between 8.38 and 8.40 pm.<sup>184</sup> This is clearly

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was in fact connected (rather than disconnected) to Shane's HP laptop, and that there was in fact no presence of a “third laptop”, all he could say was “*I didn't do the forensics on Shane's laptop*” (NE: 21 May 2013, p 108 (lines1-21)). Mr Massoud's refusal to comment on a document which contradicts his interpretation was notwithstanding the fact that *he had commented on multiple documents which were analysed by ASP Soong*. Notably, Mr Massoud was the one who first referred to C299, which were the results of ASP Soong's forensic analysis. Mr Massoud also commented extensively on C298, and made references to C287 and the TCFB reports, which were the results of ASP Soong's forensic analysis. Mr Massoud's speculation that there was “third laptop” is clearly erroneous and must be rejected.

<sup>175</sup> NE: 27 May 2013, p 76 (lines 7-23).

<sup>176</sup> NE: 27 May 2013, p 78 (lines 3-16).

<sup>177</sup> C284 (CS of Ashraf Massoud) at [20].

<sup>178</sup> C16 (CS of Sergeant Muhammad Khaldun bin Sarif) at [29].

<sup>179</sup> C28A (Annex A of C28), refer to serial number 40 of Annex A.

<sup>180</sup> C28A (Annex A of C28), refer to serial number 40 of Annex A.

<sup>181</sup> C21 (Acknowledgement Slip signed by Mrs Mary Todd).

<sup>182</sup> C221 (Report by the Federal Bureau of Investigation).

<sup>183</sup> C285 (CS of Mary Todd) at [39]; C286 (CS of Rick Todd) at [59].

<sup>184</sup> This is clear from his evidence where he disagreed with the FBI report which clearly states when a parent file is closed, the temporary file will be automatically deleted – see NE: 22 May 2013, p 85 (lines 9-11).

wrong.<sup>185</sup> IO Khaldun said that he had opened and viewed some files to ascertain whether they were relevant to Shane's death.<sup>186</sup> However, he said he did not delete any files.<sup>187</sup> ASP Soong testified that when the file "characterization result to veeco.pptx" was opened, a temporary file "~\$characterization result to veeco.pptx" would be automatically created.<sup>188</sup> The temporary file would be automatically deleted when the main file was closed.<sup>189</sup> The FBI report corroborates ASP Soong's evidence that the files beginning with "~\$" are indicative of Microsoft office temporary files, which are created when a main file is opened, and automatically deleted when the main file is closed.<sup>190</sup>

**D. Evidence relating to Shane's work at IME**

68 Shane had no training and experience in GaN technology prior to joining IME, but he volunteered to move to the then newly-formed GaN Group at IME in March 2011. His colleagues who joined after him, namely Dr Susai Lawrence Selvaraj, Dr Yuan Li and Dr Wang Weizhu, were all more experienced than Shane in GaN technology. The State submits that Shane had difficulty coping with the demands of his position within the GaN group, as evidenced by the fact that he was working very hard and complained about his job after he took on this position. He also described his move to the GaN team as a "mistake" to his friends.<sup>191</sup>

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<sup>185</sup> Mr Massoud's basis for this suggestion was that there was a discrepancy between the "last access" date of the temporary file, "~\$characterization result to veeco.pptx" (with a "last access" date of 27 June 2012) which was deleted from the hard-disk drive, and that of the parent file, "characterization result to veeco.pptx" (with a "last access" date of 22 June 2012), that needs to be addressed. To address this alleged "discrepancy", ASP Soong informed that Khaldun's HP Elitebook laptop was running on a windows vista operating system, where the "last access" date was disabled by default. This means that if a main file was only opened, without being saved or edited, the "last access" date of the main file will not change. ASP Soong gave evidence that if the main file (with a "last access" date of 22 June 2012) was merely opened and then closed on 27 June 2012, the main file will remain as 22 June 2012 (NE: 27 May 2013, p 83 (lines 6-8)). This was consistent with IO Khaldun's subsequent evidence that he merely opened documents in the laptop on 27 June 2012, and did not edit or save any files (NE: 27 May 2013, p 121 (lines 3-4)). As such, there is no "discrepancy" at all, and it is wrong to suggest that there was a "discrepancy". Mr Massoud's understanding of "last access", as stated in his report, is wrong and must be rejected (see C209 at p 1, where it states that "*last access means date and time that a file was accessed, i.e. opened and viewed but not necessarily changed in content*").

<sup>186</sup> NE: 27 May 2013, p 121 (lines 3-4).

<sup>187</sup> NE: 27 May 2013, p 121 (lines 3-4).

<sup>188</sup> NE: 14 May 2013, p 138 (lines 10-24).

<sup>189</sup> NE: 14 May 2013, p 138 (lines 10-24).

<sup>190</sup> C221 (Report by the Federal Bureau of Investigation) at p 2; ASP Soong's evidence can be found in NE: 14 May 2013, p 137-139.

<sup>191</sup> C126 (CS of Susai Lawrence Selvaraj) at [13]; C156 (CS of Ali Gilles Miserez) at [10]; C137 (CS of Soon Bo Woon, Jeffrey) at [16].

69 Shane had volunteered to receive training on a Metal Organic Chemical Vapour Deposition (“MOCVD”) system at the training centre of Veeco Instruments Inc. (“Veeco”) in Somerset, New Jersey, USA. It was alleged that Shane had been instructed by Dr Lo Guo-Qiang, Patrick to copy GaN recipes by hand during his training at Veeco.<sup>192</sup> A document purported to be a hand-copied GaN recipe was tendered to court in an attempt to prove this.<sup>193</sup> Dr Lo testified that he did not give such instructions.<sup>194</sup> He said that hand copying GaN recipes would compromise their accuracy and be a very tedious affair given that such recipes were lengthy and complex.<sup>195</sup> Surani bin Dolmanan, a specialist from the Institute of Materials Research and Engineering, who attended the training with Shane, testified that it would have been impossible for Shane to have copied any recipe during his time in Veeco.<sup>196</sup> The alleged “secret” recipe that Shane copied by hand from Veeco was shown to be a formula found in his PhD dissertation that has nothing to do with GaN technology.<sup>197</sup>

70 Professor Dim-Lee Kwong also testified that Veeco had sold hundreds of the same MOCVD model that IME purchased to China and had provided the same recipe IME received to China.<sup>198</sup> This recipe was the only GaN recipe obtained by IME<sup>199</sup> and pertains to 2-inch GaN on sapphire for LED applications.<sup>200</sup>

71 Suggestions were made that Shane’s death was linked to his work at IME, in particular, his involvement in projects related to Huawei.<sup>201</sup> Shane was involved in a small, non-GaN related project with Huawei: “Characterisation and modelling of radio frequency devices” – which was not a military-related project.<sup>202</sup> A potential GaN collaboration between IME and Huawei never materialized.<sup>203</sup> The specifications of this potential collaboration were insufficient for military or

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<sup>192</sup> NE: 20 May 2013, p 58 (lines 24-25); NE: 20 May 2013, p 59 (line 1).

<sup>193</sup> C274 (Handwritten formula)

<sup>194</sup> NE: 20 May 2013, p 60 (lines 1-2).

<sup>195</sup> NE: 20 May 2013, p 60 (lines 13-16; 21-25); NE: 20 May 2013, p 61 (lines 1-3).

<sup>196</sup> NE: 23 May 2013, p 89 (lines 18-19).

<sup>197</sup> NE: 27 May 2013, p 64 (lines 16-25); NE: 27 May 2013, p 65 (lines 1-25); NE: 27 May 2013, p 66 (lines 1-25); NE: 27 May 2013, p 67 (line 1).

<sup>198</sup> NE: 27 May 2013, p 8 (lines 21-25).

<sup>199</sup> NE: 27 May 2013, p 9 (lines 16-21).

<sup>200</sup> NE: 27 May 2013, p 9 (lines 3-4).

<sup>201</sup> The IME has collaborated with Huawei Technologies., Ltd. (China) and its subsidiaries (collectively, “Huawei”). See C102 (CS of CS of Dim-Lee Kwong) at [22]-[28] for all the projects between IME and Huawei.

<sup>202</sup> C110 (CS of Lo Guo-Qiang, Patrick) at [29]; NE: 17 May 2013, p 112 (lines 1-3).

<sup>203</sup> NE: 20 May 2013, p 7 (lines 1-2).

defence applications.<sup>204</sup> Prof Kwong and Dr Lo said in evidence that IME did not conduct classified military research.<sup>205</sup> Dr Lo also said that Shane was never asked to do anything that would compromise the national security of any country, or asked to obtain restricted or classified information and to provide them to other countries.<sup>206</sup> Prof Kwong said that he was not aware of any information which suggested that Shane was being asked any questions by Huawei, or aware of any incident when Shane was uncomfortable answering any questions from Huawei.<sup>207</sup>

## **V. ALLEGATIONS BY NEXT-OF-KIN**

72 A number of claims and allegations were raised by Shane's parents during the course of the inquiry, and also through the media. In essence, the Next-of-Kin have alleged that Shane was murdered.<sup>208</sup> During the course of the inquiry, counsel for the Next-of-Kin questioned the professionalism of the police and called into question the findings of the independent HSA experts. However, they did not provide any evidence of how Shane might have been killed, or by whom.

73 All the material provided to the State by the Next-of-Kin has been presented by the State, including their Conditioned Statements, which were read after they had left the proceedings. Prior to the inquiry, thorough investigations were carried out by the police and the State to determine whether any of the parents' allegations could be substantiated. Arrangements were also made to facilitate their witnesses (Dr Adelstein and Mr Massoud) to give evidence at the inquiry. No assumptions were made by the State as to the cause of or circumstances surrounding Shane's death.

74 Central to the murder theory is the hard-disk drive which the parents claim they found in Shane's apartment after his death,<sup>209</sup> and which they have refused to hand over to the Police or the Court. Allegations have been made that the hard-disk drive was accessed by unknown persons on 23 and 27 June 2012, and also that a file was intentionally deleted on 27 June 2012. These allegations have been fully investigated. The evidence presented at the inquiry shows first, that the

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<sup>204</sup> NE: 20 May 2013, p 11 (lines 8-16).

<sup>205</sup> C102 (CS of CS of Dim-Lee Kwong) at [6], NE: 27 May 2013, p 27 (lines 18-23), C110 (CS of Lo Guo-Qiang, Patrick) at [4], NE: 17 May 2013, p 104 (lines 12-16); NE: p 107 (line 22-109).

<sup>206</sup> C110 (CS of Lo Guo-Qiang, Patrick) at [69].

<sup>207</sup> NE: 27 May 2013, p 23 (lines 2-23).

<sup>208</sup> C285 (CS of Mary Todd) at [54]; C286 (CS of Rick Todd) at [75].

<sup>209</sup> C286 (CS of Mr Rick Todd) at [40].



claim that they found the hard-disk drive themselves is false – it was removed from the scene by IO Khaldun and returned to Mrs Todd on 28 June 2012. This is supported by the report given by the FBI. Furthermore, the accessing of the hard-disk drive on 23 and 27 June 2012 has been explained above, as well as the alleged “deletion” of a file. It is clear that Shane was still alive in the early morning of 23 June 2012. It is likely that Shane himself accessed files on the hard-disk drive at this time. On 27 June 2012, the hard-disk drive was accessed by IO Khaldun at about 8.36 pm. In opening and closing a Powerpoint file on the hard-disk drive, a temporary file would have been automatically created and later deleted. The evidence shows that the file which was “deleted” was indeed a temporary file.

75 In relation the medical cause of death, Dr Adelstein retracted his view that Shane had been garrotted. Central to his view that Shane was murdered was the presence of “suspicious” bruises on Shane’s knuckles and forehead. However, it is clear that there were no bruises on his hands or forehead, and that the marks referred to on the hands were due to post-mortem hypostasis. The absence of haemorrhaging beneath the reflected scalp is evidence that there was no bruise on the forehead. There is no basis for saying that he might have tasered or killed by a carotid arm-lock, as Dr Adelstein speculated.

76 The authenticity of police and autopsy photographs<sup>210</sup> of Shane’s body was questioned by counsel for the Next-of-Kin. He referred to the absence of “two moles” on Shane’s neck in the police photographs, which he said could be found in one of the photographs<sup>211</sup> presented by the Next-of-Kin. This issue was clarified by Dr Fowler, who stated that the “moles” were post-mortem “blebs”.<sup>212</sup> Alleged “discrepancies” between the autopsy photographs and photographs taken after Shane’s body was returned to the United States have also been explained.

77 Counsel for the Next-of-Kin also suggested that there was a material alteration of the “primary scene” by the police cutting Shane’s body down, and moving the chair which was near his body.<sup>213</sup> This was clarified by the Police. The body was brought down in accordance with police

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<sup>210</sup> C187 – C202 (Autopsy photographs); C39-C94 (56 clear coloured photographs of the property).

<sup>211</sup> C258 (1 of the photographs in the 23 photographs tendered by the Next-of-Kin).

<sup>212</sup> Dr Fowler explained were “blood or bloodstained fluid-filled little blisters”: NE: 14 May 2013, p 46, (lines 10 – 16).

<sup>213</sup> NE: 14 May 2013, p 63, lines 20 – 25.

protocol,<sup>214</sup> as the purpose was to save life,<sup>215</sup> and the chair was moved to make way for the body to be placed on the floor.<sup>216</sup>

78 Attempts were made to discredit the integrity and results of the computer forensic analysis by alleging that SIO Koh and IO Khaldun had breached “international protocols”<sup>217</sup> by accessing the HP laptop on the scene, and failing to “pull the plug” from the laptop. SIO Koh has explained why he accessed the laptop on the scene, and how it aided in his assessment of whether there had been foul play. ASP Soong<sup>218</sup> and IO Khaldun testified that the requirement of “pulling the plug” is a guideline, and not a protocol which must be adhered to in all circumstances.<sup>219</sup>

79 It was further suggested by counsel for the Next-of-Kin that “outgoing calls” were made from Shane’s HTC mobile phone after it had been seized by IO Khaldun.<sup>220</sup> A Senior Manager from Starhub<sup>221</sup> was called by the State to clarify this issue. The evidence shows that no outgoing calls were made, and that there were only outgoing GPRS transactions. The Starhub officer gave evidence that these GPRS transactions could be the result of background applications running automatically without human intervention.<sup>222</sup>

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<sup>214</sup> NE: 13 May 2013, p 36 (lines 7-9), NE: 13 May 2013, p 75 (line 20), NE: 14 May 2013, p 13 (lines 6-9).

<sup>215</sup> NE: 13 May 2013, p 61 (line 14), p 74 (lines 1-2).

<sup>216</sup> NE: 13 May 2013, p 64 (lines 1-3), NE: 14 May 2013, p 54 (lines 6-8).

<sup>217</sup> NE: 20 May 2013, p 151 (lines 23 to 25); NE: p 152 (lines 1 to 25), NE: p153 (lines 1 to 7).

<sup>218</sup> NE: 27 May 2013, ps 124-125.

<sup>219</sup> IO Khaldun and ASP Soong gave evidence that there was no unaccounted break in the chain of custody of the exhibits (which were sealed with police seals). There was therefore no unauthorised access which would compromise the integrity of her analysis. **See NE: 27 May 2013, p 107 (lines 15-22):** With regards to the HP laptop, IO Khaldun gave evidence that “it was kept under lock and key in Central Police Division” between 24 June 2012 (the day it was seized) and 31 July 2012 (the day that TCFB received the exhibit; see NE: 27 May 2013, p 91, lines 7-8). **See also NE: 27 May 2013, p 119 (lines 1-7):** With regards to the Gateway laptop, IO Khaldun gave evidence that it was seized on 27 June 2012 (see C 16 at [25]), and it was similarly kept in his cupboard from 27 June 2012 to 17 July 2012. It was then placed in the store from 17 July 2012 to 31 July 2012 (the day that TCFB received the exhibit; see NE: 27 May 2013, p 92 (lines 3-7)). IO Khaldun explained that while he had accessed the Gateway laptop which was seized to enable him to look for documents or files which might be useful to his investigations, he did not delete, amend or modify any document or application on the Gateway laptop – See NE: 27 May 2013, p 118 (lines 16-18). This was confirmed by ASP Soong – See NE: 27 May 2013, p 88 (lines 12-25), NE: p 89 (lines 1-4).

<sup>220</sup> NE: 15 May 2013, p 9 (lines 12-13).

<sup>221</sup> C320 (CS of Satish Kalkunte Sundara Raja). Mr Satish Kalkunte Sundara Raja is the Senior Manager with the Network Converged Operations department of Starhub.

<sup>222</sup> For completeness, Mr Satish testified that Starhub’s toll records define “GPRS transactions” as “outgoing calls”, as the toll records keep track of the total volume of usage consisting both data transferred out and received from the internet from the mobile device. Mr Satish further testified that it is not accurate to say that every GPRS transaction was in the form of an outgoing internet call. Mr Satish further gave evidence that the GPRS transactions that took place from 12.46 am on 25 June 2012 to 5.30am on 29 June 2012 could be the result of background applications

80 The Next-of-Kin had requested for more time to examine the witness Luis Alejandro Andia Montes (“Montes”) on 22 May 2013. Upon the Court’s refusal, they withdrew from the proceedings. Mr Montes was not a surprise witness – the State’s Opening Statement had explained that he was the last known person to have seen Shane alive on the evening of 23 June 2012, and the Court was informed that arrangements were being made for him to give evidence.<sup>223</sup> In court, Mr Montes said that he had met Shane’s parents a few days after Shane’s death when they came to Singapore.<sup>224</sup> Mr Soon Bo Woon, Jeffrey confirmed this.<sup>225</sup>

81 Shane’s parents alleged that when they met IO Khaldun on 27 June 2012, IO Khaldun said that Shane was hanged in an elaborate system of “nuts, bolts and pulleys”.<sup>226</sup> It was further alleged that on 29 June 2012 at Shane’s apartment, IO Khaldun further gave three different explanations of how Shane could have hung himself.<sup>227</sup> However, IO Khaldun testified that on 27 June 2012, he had read the description from the report of unnatural or sudden deaths<sup>228</sup> and did not mention anything about “nuts, bolts and pulleys”.<sup>229</sup> This document was extended to the Next-of-Kin before the inquiry, and later tendered to court. During the meeting, an official from the US Embassy, Ms Traci Goins, was present. The State sought the US Embassy’s assistance to contact her to clarify this issue, but was informed through the Embassy that Ms Goins was not able to provide any information on the issue. IO Khaldun said that on 29 June 2012, at Shane’s apartment, when Mrs Mary Todd brought up the issue of “nuts, bolts and pulleys”,<sup>230</sup> he clarified that Shane was found with his back against the bathroom door with a black strap and towel surrounding his neck.<sup>231</sup> However, IO Khaldun further said that as Mrs Todd was in disbelief and was emotional, he did not

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running automatically without human intervention, and the toll records indicated that there was data transferred at regular intervals. The subscriber could have opened these applications at an earlier date without ending their activity after he was done with them, causing data transfers to occur automatically when the mobile device was on – see C320 (CS of Satish Kalkunte Sundara Raja) at [3] and [4].

<sup>223</sup> Opening Statement at [44]. Mr Montes arrived in Singapore on Saturday night, 18 May 2013, and his CS was handed to the State on Monday night, 20 May 2013, at about 7 pm, and extended to the family the very next morning, on 21 May 2013.

<sup>224</sup> NE: 22 May 2013, p 5 (lines 21-25) and p 6 (lines 1-14).

<sup>225</sup> NE: 22 May 2013, p 5 (lines 21-25) and p 6 (lines 1-14).

<sup>226</sup> C285 (CS of Mr Rick Todd) at [28], C286 (CS of Mrs Mary Todd) at [25].

<sup>227</sup> C286 (CS of Mrs Mary Todd) at [25].

<sup>228</sup> C18 (Report of unnatural or sudden deaths).

<sup>229</sup> C18 (Report of unnatural or sudden deaths).

<sup>230</sup> NE: 27 May 2013, p 129 (lines 20 to 21).

<sup>231</sup> NE: 27 May 2013, p 128 (lines 1 to 5).

want to agitate her further.<sup>232</sup> Jeffrey Soon,<sup>233</sup> Cheam Daw Don,<sup>234</sup> and Timothy Kok<sup>235</sup> were present at Shane's apartment with the parents on 29 June 2012. Jeffrey Soon and Cheam Daw Don recalled seeing a box of Black & Decker hand drill at the apartment.<sup>236</sup> All of them stated that one of Shane's brothers was speculating about how Shane could have died,<sup>237</sup> and they corroborated IO Khaldun's evidence that Mrs Mary Todd was very emotional and yelling<sup>238</sup> but the police officers were mainly listening.<sup>239</sup>

## **VI. CONCLUSION**

82 It is clear from the medical forensic evidence that the medical cause of Shane's death was asphyxia due to hanging. This, and a number of other important facts, point strongly to Shane's death being a suicide, which took place at the bedroom of his apartment within No. 56 Spottiswoode Park Road. First, the presence of suicide notes on Shane's laptop, and the provision at the scene of the password to the laptop, which has been assessed by an independent expert to have been probably written by Shane. Second, the numerous suicide and depression related internet searches on his laptop from 10 March 2012 to 23 June 2012, including sites which provided instructions on how to commit suicide. This shows that he was having suicidal ideations. Third, evidence from Shirley that Shane was depressed from October 2011, and from Dr Lee that Shane was suffering from major depressive disorder in April 2012, which was not treated adequately by medication. Fourth, expert evidence showing that he could have hanged himself in the position he was found without assistance. Fifth, the absence of any evidence of foul play, any possible suspect, or any credible motive for murder.

83 Shane's parents have said in their Conditioned Statements that prior to his death, Shane indicated to them that "his life in some form of danger", and that "if we did not hear from him, to

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<sup>232</sup> NE: 27 May 2013, p 128 (lines 6 to 11).

<sup>233</sup> C137 (CS of Soon Bo Woon, Jeffrey) at [20].

<sup>234</sup> NE: 23 May 2013, p 53 (lines 22-25).

<sup>235</sup> NE: 23 May 2013, p 61 (lines 6 to 8).

<sup>236</sup> NE: 23 May 2013, p 7 (lines 21-22); NE: 23 May 2013, p 54 (lines 15 to 24).

<sup>237</sup> Jeffrey's NE: 23 May 2013, p 8 (lines 8-10); Cheam's NE: 23 May 2013, p 56 (lines 6 to 10); Timothy's NE: 23 May 2013, p 54 (lines 15 to 23).

<sup>238</sup> Timothy's NE: 23 May 2013, p 62 (lines 15 to 20); Cheam's NE: 23 May 2013, p 55 (lines 17 to 21) and NE: 23 May 2013, p 56 (lines 20 to 24).

<sup>239</sup> Timothy's NE: 23 May 2013, p 62 (lines 21 to 25), NE: 23 May 2013, p 63 (lines 1 to 4).

call the US Embassy immediately".<sup>240</sup> Evidence from Dr Lee suggests that in the months leading to his death, Shane may have exaggerated problems and issues he was facing. In any event, such statements, even if they were made by Shane, are not inconsistent with suicide. There is no evidence from Shane's parents or others that Shane made efforts to protect his safety by contacting the US Embassy or the Police.

84 The conspicuous absence of any evidence to support the Next-of-Kin's homicide theory must be viewed in juxtaposition with the overwhelming evidence pointing inexorably towards suicide. It is submitted that homicide case theory is entirely misplaced and unfounded, and that Shane's death was a suicide.

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<sup>240</sup> C285 (CS of Mary Todd) at [8] and [23] and C286 (CS of Rick Todd) at [15] and [16].