



ADVOCACY CUP 2021
SEMI-FINALS AND GRAND FINALS

PP v DONALD TAN

BACKGROUND

Donald Tan has been charged with an offence under Regulation 3 of the Infectious Diseases (COVID-19 – Stay Orders) Regulations 2020 for breaching a stay order. The Prosecution has indicated that it will only cross examine the Accused, Donald Tan. Only one material witness for the Prosecution will be cross examined for the purposes of the Mock Trial. The Defence has chosen to cross examine Nancy Phua, the Accused’s colleague who spotted Donald outside his residence while he was on a stay order. For the purposes of the cross-examination, the statements made in each of the Confidential Statements shall be taken to have been adduced during the respective Examinations-in-Chief.

The Charge reads:

CHARGE

You,

Name : DONALD TAN
Sex/Age : MALE / 35 YEARS OLD

are charged that you, on the 20th day of June 2020, did breach the stay order issued against you on the 18th day of June 2020, by leaving your place of accommodation at 20 White House Lane Singapore 123456 between 1000hrs and 1100hrs, and thereby committed an offence punishable under Regulation 3 of the Infectious Diseases (COVID-19 – Stay Orders) Regulations 2020.

INFECTIOUS DISEASES (COVID-19 – STAY ORDERS) REGULATIONS 2020

Stay orders

- 3(1) A specified person may, for the purpose of preventing the spread of COVID-19, order any at-risk individual to go to a place of accommodation specified in the order or in writing by a specified person and not leave the place of accommodation –
- (a) if the individual is a traveller who is, on or after 17 June 2020 at 11.59 pm, required under section 55(1)(f) of the Act to undergo, and undergoes, a PCR test – for the period starting upon the issue of the order and ending on the day the individual is notified of his or her test result (not including a test result that is uncertain) or the 14th day after the issue of the order, whichever is later; or
 - (b) in any other case – for the period specified in the order, starting upon the issue of the order and ending not later than the 14th day after the issue of the order.

...

- (3) Subject to paragraph (4), an individual who, without reasonable excuse, fails to comply with an order under paragraph (1) or (1A) or contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both
- (4) To avoid doubt, it is a reasonable excuse for the purposes of these Regulations if the individual leaves the place of accommodation –
- (a) only where necessary to obtain –
 - (i) medical treatment for a suspected COVID-19 infection at a hospital, medical clinic or any other place, designated by the Director for the treatment of COVID-19; or
 - (ii) emergency medical treatment or other medical treatment that is of a pressing nature; or
 - (b) with the prior express permission of the Director, whether general or specific.

PROSECUTION WITNESS STATEMENT 1

Statement of Joel Bin, Immigration & Checkpoints Authority Officer

1. I am an officer with the Immigration & Checkpoints Authority.
2. My role is to ensure that individuals who return to Singapore from overseas comply with the Stay-Home Notices being issued to them.
3. As part of my role, I would conduct random spot checks on the individuals, such as by giving them surprise video calls to ensure that they remain in their designated accommodation or making surprise home visits to check if they comply with the Stay-Home Notice.
4. On 18 June 2020, one of the individuals who I was assigned to monitor was the accused, Mr Donald Tan, who had just arrived from Thailand and had been ordered to serve his Stay-Home Notice at his place of residence.
5. Mr Tan was ordered to remain in his place of residence from 18 June 2020 to 2 July 2020 and was required to wear an electronic wristband to ensure that he did not leave his place of residence.
6. Mr Tan was briefed by an Immigration Checkpoints Authority Officer regarding the Stay-Home Notice requirements.
7. On 19 June 2020, I made a surprise video call to Mr Tan.
8. Mr Tan answered the call promptly and he showed me via the video call that he was in his place of residence.
9. On 20 June 2020, at around 10.30 am in the morning, I made another surprise video call to Mr Tan.
10. However, this time, Mr Tan did not answer the video call.
11. Despite multiple attempts to try reaching Mr Tan via the phone and WhatsApp messages, I was unable to reach him.
12. As I was still unable to reach him, I headed down to Mr Tan's place of residence at 20 White House Lane Singapore 123456 to conduct a home visit at around 11 am.
13. When I arrived at Mr Tan's place of residence, I rang the doorbell repeatedly but did not get any response.
14. I then decided to call my supervisor to ask what I should do next given the situation.
15. However, as the reception outside Mr Tan's place of residence was bad, I had to walk about 1 km away before I could reach my supervisor, who told me to try the doorbell again.
16. I went back to Mr Tan's place of residence and rang the doorbell again.
17. This time, Mr Tan came out wearing a red Arsenal jersey and answered the door.

18. I asked him where he had been and he told me that he had been sleeping and therefore did not hear the doorbell.
19. However, I observed that Mr Tan and looked like he was panting. It did not look like he just woke up.

PROSECUTION WITNESS STATEMENT 2

Statement of Ms Nancy Phua taken on 20 June 2020 at 1630hrs

1. My name is Nancy Phua and I am Donald's colleague.
2. We used to sit next to each other in the office until the pandemic, when the country was placed under the Circuit Breaker and we were asked to work from home.
3. Prior to the Circuit Breaker, we would often get lunch together and would take the same bus home together as I lived near him.
4. I know that Donald has some relatives in Thailand and he would visit them from time to time.
5. In June 2020, Donald took leave to visit his relatives in Thailand and I was asked to cover for him at work.
6. Donald did not tell me when he would return from Thailand.
7. On 20 June 2020, I went out for a morning jog near my place.
8. After my morning jog, I went to the coffeeshop nearby to have breakfast. I particularly love the porridge at the coffeeshop.
9. While I was at the coffeeshop at around 10.15am, I spotted Donald sitting at the coffeeshop scrolling through his iPad. It looked like he had just finished his porridge. Both of us love the porridge at the coffeeshop.
10. As it had been a while since I saw Donald, I decided to take a picture of him to tease him.
11. I then uploaded the picture I took onto Facebook and tagged him in it with the caption "[c]ome back already never say... lots of work waiting for you!"
12. After that, I walked towards him to catch up with him. However, before I could do that, it looked like he received a call on his phone and he rushed off quickly.
13. I did not manage to speak with Donald.

CONFIDENTIAL STATEMENT 1

Statement of Nancy Phua to Prosecution

1. I have known Donald for the past 5 years.
2. We had dated for a short while until I found out that he was cheating on me. We broke up in 2019.
3. At that time, I hated Donald and I did not want to see his face ever again.
4. I even contemplated quitting my job so that I would not have to face him.
5. However, I decided that I should not quit my job and let Donald off so easily.
6. Donald and I work on similar files. As such, when either Donald or I go on leave, we would cover for each other.
7. I hated covering for Donald as he is very disorganised and often leaves messes that I have to clean up for him. I have reflected this to our supervisor numerous times and had asked that Donald be fired but to no avail.
8. In June 2020, Donald said that he was going to be taking leave for a week to go to Thailand to visit his relatives. I was asked to cover for him while he was away and essentially to clean up his messes.
9. On 20 June 2020, I went for my usual morning jog.
10. After my jog, at around 10.15am, I went to the coffeeshop nearby to have my favourite porridge.
11. When I was there, I saw a person who looked like Donald scrolling through his iPad.
12. While the person was wearing a mask, I was quite sure that it was Donald as he has very distinctive brown eyes. Those were the eyes that attracted me to him in the first place.
13. Also, the person was wearing a red Arsenal jersey from the 2019/20 season, which is Donald's favourite team. The person also had a crescent-shaped scar just above his right eyebrow.
14. I decided to take a picture of him and upload it on Facebook by tagging him in the photo so that my supervisor would know that he was back and that he can take his files back and clean up his own messes.
15. After uploading his photo on Facebook, I decided to approach him to chat with him.
16. However, he appeared to receive a call on his mobile and left before I could speak with him.

DEFENCE STATEMENT 1

Statement of Melania Tong

1. My name is Melania and I am Donald's girlfriend.
2. We have been dating since 2019.
3. I am both Donald's and Nancy's colleague.
4. I have known for a long time that Nancy has always had a huge crush on Donald.
5. While I know that Donald is very attractive, it annoys me that she openly flirts with Donald in the office, especially when everyone in the office knows that Donald and I are dating.
6. When I told Donald to stay away from Nancy, Donald told me that he had made it clear to Nancy multiple times that he was not interested in her, but she continued to flirt with him. He said that he had no choice since they sit so close together in the office and work on similar files.
7. Once, I went up to Nancy to tell her to stay away from Donald.
8. She did not take that very well and since then, we have not spoken to each other.
9. I suspect that Nancy thinks that it was Donald who asked me to warn her about being too close to him and is still upset over this.

DEFENCE STATEMENT 2

Statement of Mr Donald Tan taken on 20 June 2020 at 1230hrs

1. I am Donald Tan. I just returned from Thailand on 18 June 2020.
2. When I arrived at the Singapore Changi Airport, I was told by the immigration officer that I was placed on Stay-Home Notice for 14 days.
3. I was also told that I would have to wear an electronic wristband to ensure that I did not leave my home during the 14-day period. The immigration officer also told me that they would conduct random spot checks and phone calls and I was to answer to show that I was at home.
4. I was told that an officer from the Immigration & Checkpoints Authority had tried to call me this morning at around 10.30am, but I did not pick up the phone.
5. I was also told that the officer had rung my doorbell at around 11am, but I did not answer.
6. At the time of the phone call and the visit from the officer, I had my headphones on listening to my favourite classical piano music by Yiruma and had dozed off.
7. My headphones are the noise-cancelling type so I did not hear the ringing of my phone or the doorbell.
8. At around 11am, I woke up and removed my headphones to go to the washroom to freshen up.
9. Around 11.15am, I heard the doorbell ring.
10. I immediately got out and answered the door.
11. I was surprised that the officer accused me of breaching my Stay-Home Notice. He even told me that I was spotted by Nancy Phua eating porridge at the nearby coffeeshop.
12. I had not left my home.
13. Nancy and I had an unhappy past and I think she is trying to get back at me by getting me into trouble.
14. She knew that I had just returned from Thailand and would have to be serving my Stay-Home Notice instead of being outside.
15. I am also not a fan of porridge.

CONFIDENTIAL STATEMENT 2

Statement of Mr Donald Tan to Defence counsel

1. I was placed on a Stay-Home Notice after I arrived in Singapore from Thailand.
2. I was told that I needed to answer calls from the Immigration & Checkpoints Authority officer and put on an electronic wristband to ensure that I did not leave my home during the Stay-Home Notice period.
3. I did not leave my home on 20 June 2020.
4. On 20 June 2020, I was listening to my music while reading a book since I could not leave the house. I thought I could catch up on some books that I have always wanted to read but did not have the time due to work commitments.
5. I put on my noise-cancelling earbuds listening to my favourite songs by Taylor Swift and read my book while lying on my bed.
6. After a while, I must have dozed off.
7. However, it started to get stuffy at around 10.50am and I got up from my sleep. I realised that the air conditioning was switched off.
8. I walked around the house and realised that there was a blackout at my house.
9. I then went to look for the main switchboard which was located in the basement of my house to try to restore power.
10. I managed to restore the power at around 11am.
11. Around 11.15am, I heard the doorbell ring repeatedly.
12. I ran out to the door to see the Immigration & Checkpoints Authority officer who accused me of breaching my Stay-Home Notice.
13. I did not leave my home on 20 June 2020.

EXHIBIT 1

Facebook post by one Nancy Phua on 20 June 2020 at 10.23am of an individual with short hair wearing a red t-shirt with the caption “[c]ome back already never say... lots of work waiting for you!” However, the photo is not clear enough to show the individual’s face or the details on the person’s t-shirt.

EXHIBIT 2

Red Arsenal jersey from the 2019/20 season which the Accused was wearing on 20 June 2020 when the Immigration & Checkpoints Authority officer saw him.

EXHIBIT 3

Electronic wristband and receiver retrieved from the Accused’s house showing that the receiver was switched off on 20 June 2020 between 1000hrs and 1100hrs.

EXHIBIT 4

A photo of the Accused with brown eyes and a crescent-shaped scar of about 2mm just above his right eyebrow.

EXHIBIT 5

WhatsApp messages from Nancy Phua to the Accused on 19 April 2019:

“[19/4/19: 11.50pm]

I gave you my heart and you ripped it to shreds. You watch out, you will regret this!

[19/4/19: 11.58pm]

What is so good about Melania?!!! I am way better than her!”