

**NUS FACULTY OF LAW  
ADVOCACY CUP 2019  
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**MOCK TRIAL PROBLEM  
Semi-Finals and Final Round**

**PP v. Idina Kilim**

*On dates – 201X-1 refers to one year before the current year. i.e. if this problem is being used in 2016, 201X-1 refers to 2015 and 201X-3 refers to 2013.*

The Accused has been charged with murder under section 300(b) of the Penal Code. The charge is that the Accused sliced Robert Loh Pei Sze's arm with a 4 centimetre Swiss Army knife at his residence on the evening of Sunday 12 November 201X-2, knowing that he was a hemophiliac and left him to bleed to death.

The Charge is :

You, Idina Kilim NRIC S88887777Z, are charged that between 11 pm on 12 November 201X-2 and 1 a.m. on 13 November 201X-2, you inflicted cuts on Robert Loh Pei Sze, knowing that he was a haemophiliac, and knowing that the injuries thereby caused would cause the death of the said Robert Loh Pei Sze if he was not given immediate medical attention, and that by reason of the death of by exsanguination of the said Robert Loh Pei Sze at between 4 and 6 a.m. on 13 November 201X-2, you have committed murder under section 300(b) of the Penal Code (Cap. 224, 2008 Rev. Ed.) ("the Penal Code"), punishable under section 302(2) of the Penal Code.

**General Notes**

***Examination in Chief***

1. The Confidential Statements of both the Prosecution Witness and the Accused are provided only to furnish the background facts for this case and do not form a formal part of the evidence. Counsel are not permitted to make reference to them in any way during examination-in-chief of either witness.
2. The examination-in-chief of each witness must be based on their respective Confidential Statements. As time for examination-in-chief is limited, witnesses are not required to give evidence of the *entire* contents of the confidential statements. However, the key facts sufficient to meet the respective legal burdens of proof must be covered.
3. Witnesses *may not* depart from the Confidential Statements when giving their evidence-in-chief, cross examination, and re-examination. Some embellishment is permitted but the *key* facts must be as set out in each of the respective Confidential Statements. No embellishment which contradicts key facts will be permitted. In the event that any counsel

*This Mock Trial Problem was created by Lim Lei Theng for the Advocacy Cup Competition 2014 and modified for use in the 2019 Competition.*

believes that extreme embellishment has occurred, such complaints must be communicated to the mock trial judge as soon as possible.

### ***Cross Examination***

4. For the purposes of Cross Examination, it shall be assumed that the *entire* contents of the Confidential Statements have been adduced during evidence-in-chief.
5. During Cross Examination, reference may be made to the Confidential Statements by referring to them as the Notes of Evidence.
6. In the event that the evidence of a witness during examination-in-chief departs materially from the contents of the Confidential Statement, it shall be assumed that the contents of the Confidential Statement was adduced during evidence-in-chief. This means that a witness cannot be impeached or questioned on the basis of any contradiction between the testimony given during the trial and the contents of the Confidential Statement.
7. Assume that when the Prosecution Witness gives evidence, all the evidence from other prosecution witnesses has already been adduced. The Accused is the first defence witness to give evidence, but that at the end of the trial, all the evidence for the defence has been adduced.

## ***CONFIDENTIAL STATEMENT 1***

### ***Statement of Kristen Loh to Prosecution***

Name : Kristen Loh  
Age : 44  
Height : 1.6 m  
Weight : 86 kg  
Sex : Female  
Address : 9585 Arendelle Street Singapore 958595  
Occupation : Composer and Lyricist

1. Robert Loh Pei Sze was my husband and father of our three children.
2. On the weekend of 11 November 201X-2, I and our children stayed over at my mother's house. My husband and I had just completed a soundtrack and he needed the peace and quiet of our home to put the finishing touches to the soundtrack. We knew we had a winner on our hands. I also knew that he needed to be alone to do his magic.
3. On Monday 13 November 201X-2, I returned home after sending my children to school. I found my husband lying in the bathtub in the master bedroom. He was dead. The

bathtub was stained red with his blood. He was cold to my touch. There was also a bottle of scotch and a glass on the wrought iron table we always left by the bathtub. Bob liked to have a drink while he was in the bath.

4. I called my mother to tell her what had happened. I called my driver to make sure that he knew to bring our children to my mother's house after school, instead of home. I called my maid to tell her not to come to my house that day. Then I called the police.
5. I made sure not to touch anything because I was absolutely sure that the person who had killed my husband was Idina.
6. My husband and I have been happily married for 15 years. Our oldest child is 14, and our youngest is 10. We are a very successful songwriting pair, and we have been able to make a very good living with our music. All our children are talented, and my two oldest are studying at the NAFA Music Academy.
7. My husband is a haemophiliac. It is a rare disease especially among Chinese but he inherited the gene. Thankfully none of our children have the condition, but we all know about his condition and we are always very careful around him.
8. Idina was horrified when he was first hospitalized for his condition. He had fallen down while teaching the children how to skate and his wounds did not stop bleeding. After that, Idina was fascinated by his condition and often asked about it.
9. Life would have gone on peacefully if Bob had not taken Idina under his wing. He found her in an orphanage in Bali ten years ago when he was travelling. She was in her early teens and had a phenomenal voice. He recognized her talent and persuaded her parents to allow him to bring her to Singapore.
10. By the time that Idina joined us in our house, Bob and I were living in our house with our three children. Bob offered her our spare room and proceeded to groom Idina for a singing career.
11. Idina was very sweet at first. She was well behaved and grateful for all we did. But since July 201X-2, when she first saw success as a singer, she became demanding and difficult and spoilt. The Marina Bay Sands Revue had signed her on for an entire season to sing in their production of Wicked. She was making a lot of money and was famous. She became impossible to deal with.
12. Starting from July 201X-2, Idina, Bob and I had numerous arguments. Idina claimed that we were not doing enough to further her career. She demanded that Bob and I used our influence to get her a recording deal. She insisted on getting star billing and star treatment.

13. At the time, she knew that Bob and I were preparing the soundtrack for a Disney movie. She made it very clear that she expected to sing the main theme song. This was even before we had even conceptualized what the song would be like and whether she would be able to sing it.
14. We chose not to respond to her demands. We just wrote the music as the characters and the movie demanded.
15. In September 201X-2, when Bob and I had written most of the music and were concentrating on the theme song, it turned out that Idina's voice was the one we both had in our minds when we were writing the song. It was ten years since we had taken her into our house, and we heard her voice on a daily basis. It had a unique quality to it. Our theme song was inspired by her voice, by her story of leaving her home to pursue her dream.
16. So we called her into our music studio and had her try out the melody we had crafted. It was amazing. We knew that we had an award winning song in our hands.
17. Before the song could be released, Idina acted even more like a prima donna, turning up late for recording sessions, demanding to be given all star treatment. I refused to give in to her demands but Bob gave in to her. It cause tension in our marriage. For the first time in fifteen years, we were quarreling. I blame Idina for it.
18. I know it was Idina who murdered my husband because no one else could have entered the house.
19. We don't have a live-in maid. Our maid works from 9 to 5 Mondays to Fridays.
20. The alarm was set when I came home on Monday. No one else knew the code to set or disarm it.
21. Idina was not home when I went home on Monday, but she had definitely been there over the weekend. Her bed had been slept in, her clothes were in the laundry basket and her bathroom was wet.
22. I got home at about 8 am. Idina never leaves the house so early in the morning, but she was gone. The only reason why she would be gone is if she were hiding something.
23. Since Bob's death, the song has been released and it is a hit. Bob has won posthumous awards. My children have lost a father. I have sold the house and we will move out three months after the trial. I want to forget this episode and move on with my life.

## CONFIDENTIAL STATEMENT 2

### *Statement of Idina Kilim to Defence Counsel*

Name : Idina Kilim  
Age : 22  
Height : 1.85 m  
Weight : 55 kg  
Sex : Female  
Address : Blk 3845 Sengkang Street 38 #38-45, Singapore 3844554  
Occupation : Singer

1. I left the house of Bob and Kristen Loh on Monday 13 November 201X-2 at about 6 a.m. because I had decided once and for all that it was time to move on with my life.
2. I went to live with my boyfriend Travis Olta.
3. I was shocked when the police came on Monday and arrested me.
4. I love Bob and Kristen Loh like my parents and I would never harm them. I do not understand why I have been accused and I plead my innocence.
5. I was born and grew up in Bali. My parents are farmers and I return home to see them twice a year.
6. I was discovered by Bob Loh when I was twelve. I was working in the farm and singing and someone called out to me. Bob had been taking a walk and had heard my voice. He persuaded my parents to let me return to Singapore with him.
7. It took us six months to get my passport, and after that, I was brought to Singapore to live with Bob, his wife and his children.
8. Life with Bob and Kristen was good. I had private tutors for a year to get me ready for school. Then they enrolled me in the NAFA school. I was given singing lessons and within one year of my arrival I was already making money as a singer.
9. Bob was very fair. He took only 15% of my earnings as my agent and did not charge me more for living in his house. He opened a bank account for me and made sure that all my money was taken care of. When my account grew, he invested it for me.
10. It was Kristen who often nagged Bob about money. From the day I turned 16, Kristen started to comment that I was costing them money, and hinting about charging rent. I think she was jealous because I had hit puberty and I was definitely far more attractive than she

was. I am quite sure that she was worried that Bob would fall for me, but it is a disgusting thought. The man is like my father.

11. I had developed severe anxiety growing up. It was very stressful to be a singer. It was also very stressful to know that my parents were struggling back home in Bali when I was living very comfortably with the Lohs.
12. I had all this money but Bob only let me give some to my parents to make life a little bit better for them. I was only allowed to take out money for their medical expenses, or to build a toilet for the family home. Even though I was living well and making good money, my parents still had to work as farmers with my six other siblings.
13. When I turned 20, I began to cut myself. Neither Bob nor Kristen knew about it. I made sure that when I cut myself it was somewhere no one could see.
14. I would cut myself on my upper thigh. I bought myself a Swiss army knife that I kept in my room. I knew it was a harmful condition, but it made me feel better.
15. I googled it, and I realised that I needed help.
16. Then I met my boyfriend. I met Travis at an awards show. He screwed up my name announcing it, and when he apologized he was very sweet, he gave me flowers, he sent me an email. After that we hit it off. Even though he is ten years older than I am, I am convinced that this is the man for me.
17. I never introduced Travis to Bob and Kristen. They were having trouble in their relationship and I did not want to add to the stress. They quarreled often, about money, about Kristen getting due credit for their joint work, about their children, about me. It was getting very tiring to live in that home.
18. On 11 November 201X-2, I came home from a gig at about 2 a.m. to see the lights on in the master bedroom. Kristen was packing her things into a bag. She seemed very angry. I did not speak to her. Instead I went to look for Bob.
19. As usual, Bob was in the bathtub with his scotch whisky. He does that when he is upset or trying to find inspiration. He always leaves his door open as well.
20. Don't worry, there are always a lot of suds and I don't see anything.
21. I asked Bob what was going on. He just shrugged. So I went back to my room, had a shower, cut myself a few times, felt better and went to sleep. When I woke up, Kristen and the children were gone, and Bob was working in his studio.

22. I stayed home all weekend because I was packing to leave the house. I also had gigs on Saturday and Sunday. Bob and I did not speak that weekend except to say hi when we passed each other in the living room or kitchen. He was wavering between angry and sad though. I could tell from the music he was playing.
23. I wrote Bob and Kristen a good bye song and I recorded it for them and sent them an email attachment.
24. Then on 13 November 201X-2 at about 5 a.m., I showered, changed and left the home for Travis'. I left most of my belongings behind. I wanted a new start.
25. I did not kill Bob.
26. I know Bob has haemophilia. It is disgusting. He bleeds at the slightest thing. I have always told him to be careful. Bob is like a father to me and I would never harm him.

### **STATEMENT 1**

#### **Report made to the Police by Kristen Loh on 13 November 201X-2 at 11:15 a.m.**

1. I spent the weekend at my mother's house with my children. This morning, after the sent to children to school, I arrived home at about 7:25 a.m.
2. When I got home, the house was quiet. I disarmed the house alarm and went to my bathroom to change. When I switched on the light, I saw my husband sitting in the bathtub. The water in the bathtub was all red. Bob was slumped over with his hands inside the water, and I could tell right away that he was dead.
3. I touched him to make sure. He was stone cold.
4. I left the bathroom and made 3 calls. I called my mother to tell her what had happened. I called my driver to tell him to send the children to my mother's after school, and I called my maid to tell her that she did not need to come to work that day.
5. Then I called the police.
6. While I was waiting for the police, I walked around the house to see if anything had been disturbed. Nothing looked out of the place.
7. I went to Idina's room. She is like our adopted daughter. Her door was shut. I knocked on it, but there was no answer.
8. I opened the door and went inside. I saw that her bed had been slept in, but she was not there. She had clearly had a shower, because her towel was in a wet mess on the floor

- as usual, but I left everything untouched, and I went to wait for the police in the living room.
9. When the police came, I showed them my husband's body. I gave the police Idina's mobile number. I did not know where she was. She is an adult and she does what she wants.
  10. My husband has haemophilia. It means that he bleeds and cannot stop bleeding unless he gets anticoagulants. When he gets a bad cut, he has to be hospitalized.
  11. I do not know who could have killed him. The only people who know the code for the alarm in the house are myself, my husband and Idina. Even the maid and the driver do not know.
  12. That is all.

## **STATEMENT 2**

### **Statement made to the Police by Idina Kilim on 13 November 201X-2 at 4:30 p.m.**

1. Until this morning, I lived at 9585 Arendelle Street Singapore 958595.
2. I am originally from Bali but Bob and Kristen Loh brought me to Singapore to develop my singing career when I was twelve.
3. Yesterday, I moved to live in my boyfriend's house in Sengkang because I feel that I have grown up and I do not need to live with the Lohs anymore. It was getting stifling. They were controlling my music career and controlling my money. I wanted to move away and become more independent.
4. Robert Loh is like my adopted father. I love him, but like all young people, we grow up and we move on. I am less close to Kristen Loh. She has never liked me.
5. I left the house at around 6 p.m. last night. I met Travis for dinner and then we went home. We went to a hawker centre near his place. I brought very little of my own things with me because I wanted a clean break.
6. When I left the house, Bob was in the bath, as usual. He likes to take baths and then he soaks in the water and drinks his scotch. It's how he relaxes. I went to say goodbye to him. He was very calm – I think it was the scotch. He said he would sign over all my money to me. Then he offered me some of the scotch as a good bye toast. I drank from his glass, kissed him on the forehead and I left.



7. The Swiss Army knife that you are showing me is mine. I bought it about three years ago. I left it behind because the reason why I bought it is gone, I don't need it anymore. I bought it for my own protection but since I have met Travis Olta, I feel safe and I don't need my knife anymore. I think I left it at home when I moved to Travis' flat.
8. I set the alarm of the house when I left. It's how I was taught by the Lohs.
9. I did not kill Robert Loh. I was with Travis on the night of the 12th of November 201X-2.
10. That is all.

### **STATEMENT 3**

#### **Statement made to the Police by Travis Olta on 13 November 201X-2 at 5:30 p.m.**

1. My name is Travis Olta and I live at Blk 3845 Sengkang Street 38 #38-45, Singapore 3844554.
2. Idina Kilim is my girlfriend. We have been going out for about six months. She was in my house when you came this afternoon because she moved in to live with me. She came over early this morning, and we have decided to get married.
3. I do not know Robert Loh.
4. That is all.

### **STATEMENT 4**

#### **Statement made to the Police by Travis Olta on 13 November 201X-2 at 7:30 p.m.**

1. I refer to the statement I made at 5:30 p.m.
2. I wish to clarify that Idina Kilim and I had dinner together on the night of 12 November 201X-2. She came over at about 5 p.m. and we ate at a hawker centre. After that she came to my house. I left the house at about 10 p.m. because I had a gig. She was already asleep and stayed at home.
3. When I returned home at 3 a.m. this morning, she was still sleeping. I woke up at noon today and she was still in bed with me.
4. Idina has been an emotional mess lately. Her brother is sick in Bali and her parents need money to treat him, but they also refuse to send him to Singapore for treatment. Idina can't bring her brother over without their consent because he does not have a

passport and her parents refuse to get him one. She tells me that she thinks that he is going to die.

5. That is all.

### **STATEMENT 5**

#### **Statement made to the Police by Idina Kilim on 15 November 201X-2 at 7:30 a.m.**

1. I refer to the bank statements that the police have shown me. They are my bank accounts and I confirm that I withdrew \$25,000 from my UOB account on Monday 13 November 201X-2 at about 10 a.m.. I sent the money to my parents in Bali because my brother is sick and needed the money for his illness.
2. I confirm that the other bank statements are for my accounts and they are all operated by Bob.
3. I confirm that the transfer of the ownership of the UOB account was done by Bob on 11 November 201X-2. I asked him to do the transfer because I was already past 21 and could manage my own money.
4. I also confirm the telephone records that the police have found from my mobile phone. I sent whatsapp messages to my boyfriend Travis on the night of 12 November 201X-2 and early morning of 13 November 201X-2 because it is how I show him my love.
5. Even when we are in the same room in the same house, I like to record my love for him.
6. Travis and I were together all night on 12 November 12 November 201X-2. I went to bed at 9 p.m. and woke up at 6 a.m.
7. That is all.

### **STATEMENT 6**

#### **Statement of Investigating Officer Sharlock Tan**

1. I attended at 9585 Arendelle Street Singapore 958595 with members of the forensic investigation team.
2. We arrived at about 12 p.m.
3. The front gate and front door of the house were open, and we were greeted at the door by a woman who identified herself as Kristen Loh, the wife of the deceased.
4. She showed us up the stairs to the master bedroom where the master bathroom was located. We went through open doors to see the body of the deceased sitting in the

- bathtub, with his head slumped over, and his hands inside the water. The bathtub water was stained red with blood. There was no blood anywhere else.
5. On a wrought iron table next to the bathtub was a folded towel, a bottle of scotch whisky about one third full and a glass with some whisky inside.
  6. The forensic team conducted their investigations and I was informed that the deceased likely died between 10 to 12 hours prior to our discovery of the body, although it was possible that the time of death was affected by the fact that the body was submerged in water.
  7. As it is not known what the temperature of the water was, it was difficult to determine the exact time of death.
  8. I was also informed that the cause of death was exsanguination. I was shown a single 4 cm cut on the deceased's right forearm, about three cm from the elbow. The pathologist report indicates that the blood loss from this wound would have caused death within 4 to 6 hours of infliction.
  9. Mrs Loh informed me that her husband was a haemophiliac. This was confirmed by the pathologist.
  10. I asked Mrs Loh who else lived in the house. She informed me that her three children and Idina Kilim were residents of the home.
  11. Without any request from me, Mrs Loh showed me the room of Idina, which was on the third floor of the residence. The room door was shut, and I wore gloves to open the door.
  12. The room looked like someone had left in a hurry. There were clothes littered all over the floor and bed and chair. The bathroom and shower were wet, and I could still smell the shampoo and bathsoap. Items in the bathroom included toiletries, combs, hairbrushes, a toothbrush and toothpaste, mouthwash and make-up.
  13. Mrs Loh informed me that Idina Kilim was like an adopted daughter to the Loh family, and that she was normally quite a messy person. Mrs Loh was unable to tell me if anything was missing from the room. She was also unable to tell me where Idina Kilim was. Her attitude showed some animosity towards Idina Kilim.
  14. Inside a drawer on the bedside table of the room, my officer found a Swiss Army knife with a 4 cm blade.
  15. Tests on the blade showed the blood of Idina Kilim and the deceased. Two clear sets of fingerprints were found on the knife – these belong to Idina Kilim and the deceased.

16. We also found some blood in the toilet of Idina's room, which was later tested to be the blood of the deceased. We believe it is likely that some tissue was used to wipe the Swiss Army knife which was then flushed down the toilet.
17. Fingerprints belonging to Idina Kilim were found on the door handles of her bedroom and bathroom together with another set of smudged prints which the police were unable to identify.
18. On 14 November 201X-2, Mrs Loh forwarded an email from Idina Kilim sent to both the deceased and Mrs Loh with an attachment, which turned out to be an audio recording of a song by Idina Kilim. I had the song transcribed and the transcription is exhibited in evidence.
19. Investigations into Idina Kilim and Mrs Loh showed several bank accounts belonging to Idina Kilim, including one where a \$25,000 withdrawal was made on 13 November 201X-2. All the evidence collected has been produced.
20. The autopsy report shows that the blood alcohol level in the deceased was high, and sufficient to have caused him to fall unconscious. There were no signs of bruising on the body, nor any defensive wounds. The pathologist was unable to determine whether the wound that lead to the bleeding was self-inflicted and accepts that there is such a possibility.

### **EXHIBIT 1**

This is a red Swiss Army knife with a 4 cm blade found in the drawer of Idina Kilim's bedside table.

### **EXHIBIT 2**

This is the glass found on the wrought iron table next to the bathtub where the deceased was found. Fingerprints belonging to the accused, the deceased and Mrs Loh were found on the glass, together with traces of saliva containing DNA belonging to the accused and the deceased.

### **EXHIBIT 3**

This is the bottle of Glenfiddich 18 Scotch Whisky found on the wrought iron table next to the bathtub where the deceased was found. Fingerprints belonging to Mrs Loh and the deceased were found on the bottle.

**EXHIBIT 4**

This is a record of whatsapp messages downloaded from Idina Kilim's mobile phone.

- a. 10 November 201X-2  
9:15 p.m. To "Trav"  
I'm so sick of this dump. They control my money and they control my life.
- 11:18 p.m. From "Trav"  
Come live with me and make beautiful music together.
- 11:57 p.m. To "Trav"  
Onz
- b. 11 November 201X-2  
11:45 a.m. To "Trav"  
I got it babe. He finally released one account to me. Didi will live!
- c. 12 November 201X-2  
10:56 a.m. To "Trav"  
The perv left his door open again and called me to go and see him. Disgusting twit was in the bathtub again WITH NO SUDS. Want to puke.
- 10:58 a.m. From "Trav"  
Come live with this perv not that one.
- 11:16 a.m. To "Trav"  
Let me take care of business first. Need control over all my other accounts. I'll be there tonight.
- d. 13 November 201X-2  
12:03 a.m. To "Trav"  
Miss you.
- 2:30 a.m. To "Trav"  
Writing this song is really tough but then it makes me feel better.

**EXHIBIT 5**

These are copies of bank statements for trust accounts with Idina Kilim as named beneficiary, and Robert Loh as trustee. The total held in all accounts amounts of \$258,456.33.

**EXHIBIT 6**

These are copies of bank statements from a UOB account which shows that the trust account was terminated on 11 November 201X-2 and a new account belonging to Idina Kilim was opened on the same day. The account balance was \$56,294.48

**EXHIBIT 7**

These are copies of bank statements from a UOB account belonging to Idina Kilim opened on 11 November 201X-2 showing that \$25,000 was withdrawn from the account on 13 November 201X-2.

**EXHIBIT 8**

These are insurance policies on the life of Robert Loh where the death benefit totals \$2,500,000 with the sole beneficiary being Kristen Loh. These were purchased at various times in 201X-10, 201X-8 and 201X-5.

**EXHIBIT 9**

Email from Idina Kilim to “K and Dad” from “Wicked” sent at 4:29 a.m. on 13 November 201X-2.

“Too late for regret”

Attached is an audio recording of a song with the following lyrics (to the tune that sounds vaguely like “Let it Go”

Funny how with distance  
How small is everything  
And the fear is that once guided me  
You do not know me at all

Now is the time to do  
Improvements to my life  
I rise the challenge  
I have the power

Moving out  
Moving out  
Into the wind and the weather  
Moving on  
Moving on  
From what you have done to me

Flurries of my ability in the air into the ground  
My large circle fractal freezing  
Explosive idea is crystalized ice  
I never will go back  
The past is the past

Moving out  
Moving out  
On the rise to freedom  
Moving on  
Moving on  
Blood never bothered me anyway

- END -