



From Left to Right: Eu Kah Mun, Lian Wee Chin,
Lian's Mother, Dato' Geethan Ram Vincent

Cheang Sue Lyn

Saved From Death Row For Drug Trafficking

After 6 Years Facing The Noose

KUALA LUMPUR:

Lian Wee Chin, 32, cried tears of joy in the Court of Appeal today as the 3-judge bench overturned his conviction from the Shah Alam High Court and acquitted the man here.

In 2017, Lian Wee Chin and Woo Wai Kit were jointly charged with 4 counts of drug possession under the Dangerous Drugs Act 152 for allegedly possessing 172.68g of methamphetamine, 96.41g of cannabis, 0.48g of nimetazepam and 49.97g of 3, 4-methylenedioxymethamphetamine; the first of which carries the death penalty.

The Prosecution concluded their case on 9 May 2019 and on 4 July 2019, YA Hakim Datuk Noorin binti Badaruddin found that the prosecution had established a prima facie case against the first accused, Lian Wee Chin, and called upon him to present his defence. However, the same was not said about the second accused, Woo Wai Kit, who was acquitted and discharged without being called to enter a defence. At the end of the defence's case, it was found that the accused had failed to raise any reasonable doubt against the prosecution's case, was convicted and duly sentenced to death.

Lian's family could not accept the decision and decided to appeal the case. For their appeal, they hired ex-DPP, Dato' Geethan Ram Vincent of Geethan Ram Advocates and Solicitors to take the reins of their son's chance at freedom. In their application to the Court of Appeal, three main grounds were presented to contend that the High Court had erred in its guilty verdict. First, that possession was not proven, specifically because the possession was assumed by conduct that was not properly evidenced. Secondly, it was the appellant's submission that there was an unduly heavy burden imposed on the accused during the presentation of his defence. Normally, the defendant merely needs to raise doubt about the prosecution's case, however it was argued that the accused in his High Court trial was required to rebut a presumption under section 37(d) of the Dangerous Drugs Act on the balance of probabilities. Lastly, the Appellant lawyers attacked the conduct of the investigation itself, arguing that the investigating officer had failed to conduct a fair and thorough investigation by failing to investigate the CCTV recordings for a time period and failing to investigate the identity of the owner of a red-coloured bag found at the site of arrest.

Lian's mother expressed her relief and gratitude towards the Court's decision, adding that she was happy to welcome her son home.