



Depression, Intellect and the Scales of Justice

The case of Wilkinson Primus
Presenter: Ms June Fong

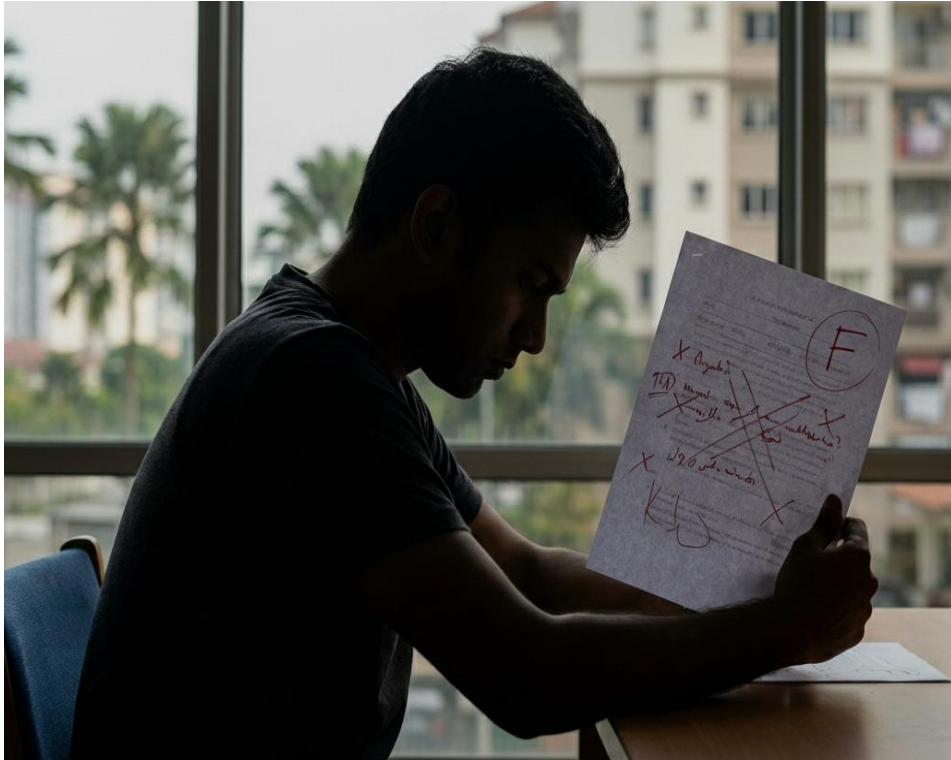
Case background



Family Circumstances

- Grew up in Malaysia in poverty
- Mother had a skin condition that required costly medical treatment
- Started working part-time from an early age to support the family

Case background



Personal history

- Described as 'mischievous' with strict discipline and corporal punishment
- Experienced bullying, difficulty concentrating and occasional truancy from school
- Studied up to Form 5 (Grade 11 equivalent) but did not pass any exams

Case background



Medical history

- Started smoking and drinking at age 12 under peer influence
- Had an accident in August 2006 where he fell from height, suffered oedema of the brain
- Reported that he became more impulsive, irritable and forgetful after the accident

Case background



Relationship history

- Got to know a girl in 2008
- Spoke on the phone but never met
- Proposed to her after 7 months
- Lost contact with her and felt very downcast

Critical Events

●
Aug 11, 2006

Head Injury

- Accident resulting in head injury
- Medically induced coma for 1 week
- Personality changed after injury
- Showed impulsivity and forgetfulness

●
2008

Relationship End

- Brief telephone relationship
- Ended in heartbreak
- Emotional distress from rejection
- Social isolation

●
Sep 2008

Grandfather's Death

- Sudden loss
- Grandfather looked after him and siblings
- Grief and emotional turmoil
- Family support system disrupted

●
Nov 3, 2008

Arrest

- Accepted a 'job' to bring a package into Singapore
- Imported 35.66g of diamorphine
- Charged with drug trafficking

Cumulative Impact on Mental State

The combination of physical trauma, emotional losses, and increasing isolation may have significantly impaired Wilkinson's mental state and judgment, potentially affecting his decision-making abilities in the lead-up to his arrest.



Legal Framework

Misuse of Drugs Act (MDA) 18(2): Possession of a controlled drug is presumed to indicate knowledge of its nature unless the accused can rebut this presumption.



Prosecution's case

- According to MDA 18(2) possession alone establishes knowledge
- He behaved 'normally', unlike an innocent person
- Payment of RM\$2000 for a simple delivery should have aroused suspicion
- He was suspicious of Alan and tried to ask what the package contained
- He had ample opportunity to look at the contents
- His statements were inconsistent



Legal Framework

Misuse of Drugs Act (MDA) 18(2): Possession of a controlled drug is presumed to indicate knowledge of its nature unless the accused can rebut this presumption.



Defence's case

- He was told Alan was an illegal moneylender and planned to borrow money, not traffic drugs
- He was told that Alan could not enter Singapore and needed this delivery made for him
- He was told the package contained Chinese medicine
- He trusted Alan and had no reason to check the package
- He lied to explain his multiple entries into Singapore for illegal work

Court's rejection of Defense Arguments

- ✘ **Inconsistent statements**
Contradictory accounts to Central Narcotics Bureau about what the package contained, and having a girlfriend in Singapore
- ✘ **Awareness of Singapore's laws on drugs**
Wilkinson had questioned Alan whether the package contained cigarettes or drugs
- ✘ **Excessive Compensation**
\$RM 2000 payment for a simple task ought to have aroused suspicion
- ✘ **Unchecked contents**
He had ample opportunity to check the package contents but chose not to verify it

"The defendant is neither innocent nor simple. He has received secondary education and should understand the consequences of his actions"

Post Verdict Developments



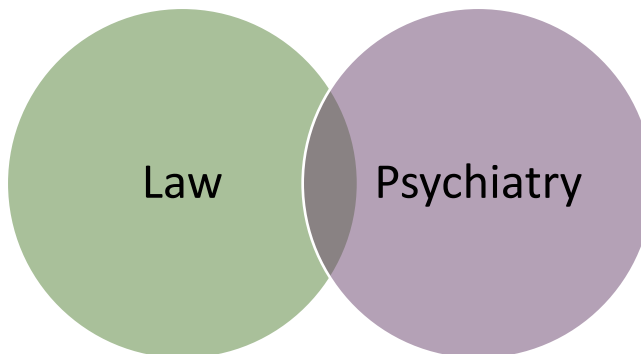
Changes in sentencing laws provided new appeal avenue
- Misuse of Drugs Act was amended in 2013



Psychiatric assessments commissioned to determine
“abnormality of mind”



Appeal process initiated, focusing on mental health as
mitigating factors



The evolution of psychiatric opinion

11 April 2013



1st Assessment

Dr. T. S. (IMH) - 11 April 2013

- Completed high school education
- Worked in factories
- Had accidents and head injuries
- Heard voices and suffered from insomnia
- Neuropsych assessment was done but results inconclusive
- Deduced that cognitive function was normal
- No causal link between head injury and the offence

The evolution of psychiatric opinion

11 April 2013

30 April 2014



2nd Assessment

Dr. Munidasa Winslow (Promises) - 30 April 2014

- Psychosocial stressors more clearly elicited
 - Mother's medical condition
 - Loss of relationship
 - Grandfather's death
- Corroborative evidence from father and brother showed low moods, insomnia, heavy drinking
- Diagnosed with Major Depressive Disorder (MDD)
- Queried possible Traumatic Brain Injury (TBI)

The evolution of psychiatric opinion

11 April 2013

30 April 2014

27 August 2014

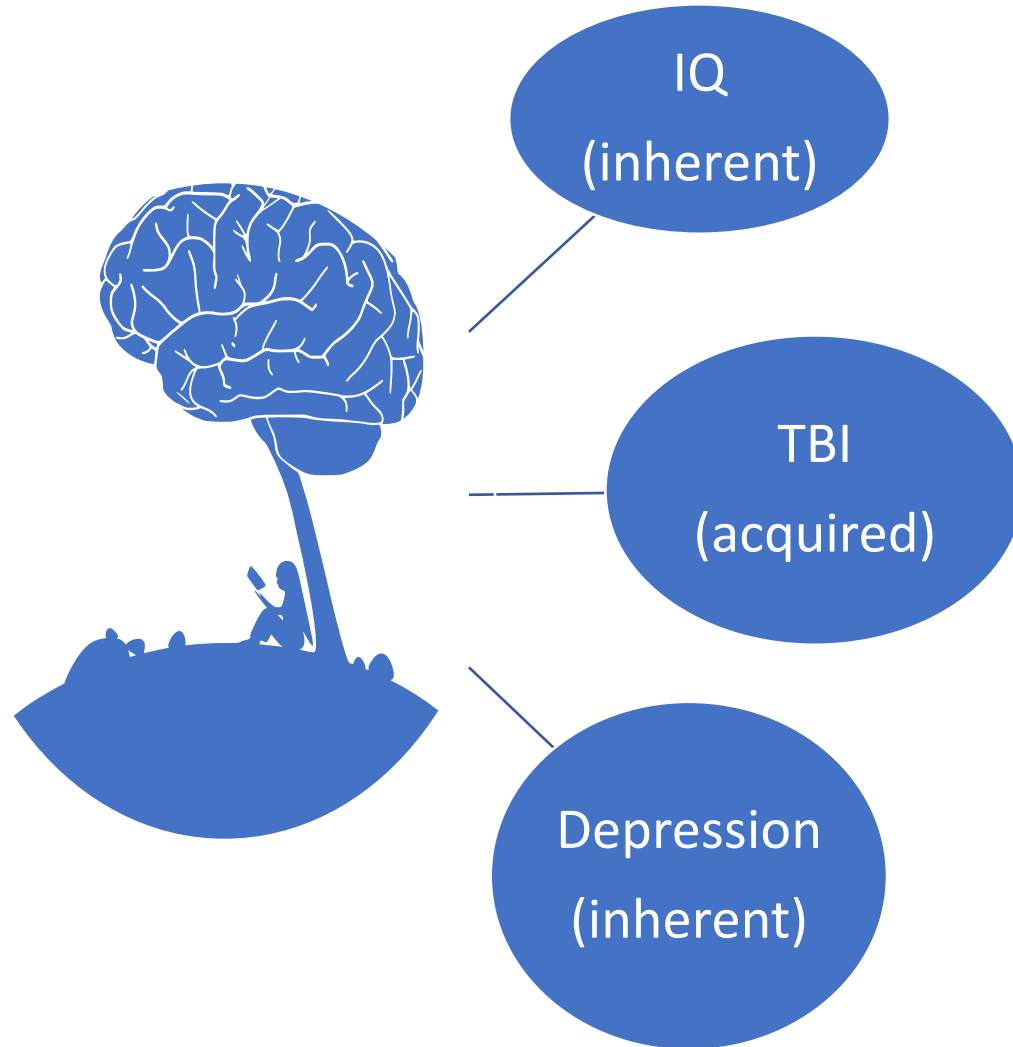


3rd Assessment

Dr. J. S. (IMH) – 27 August 2014

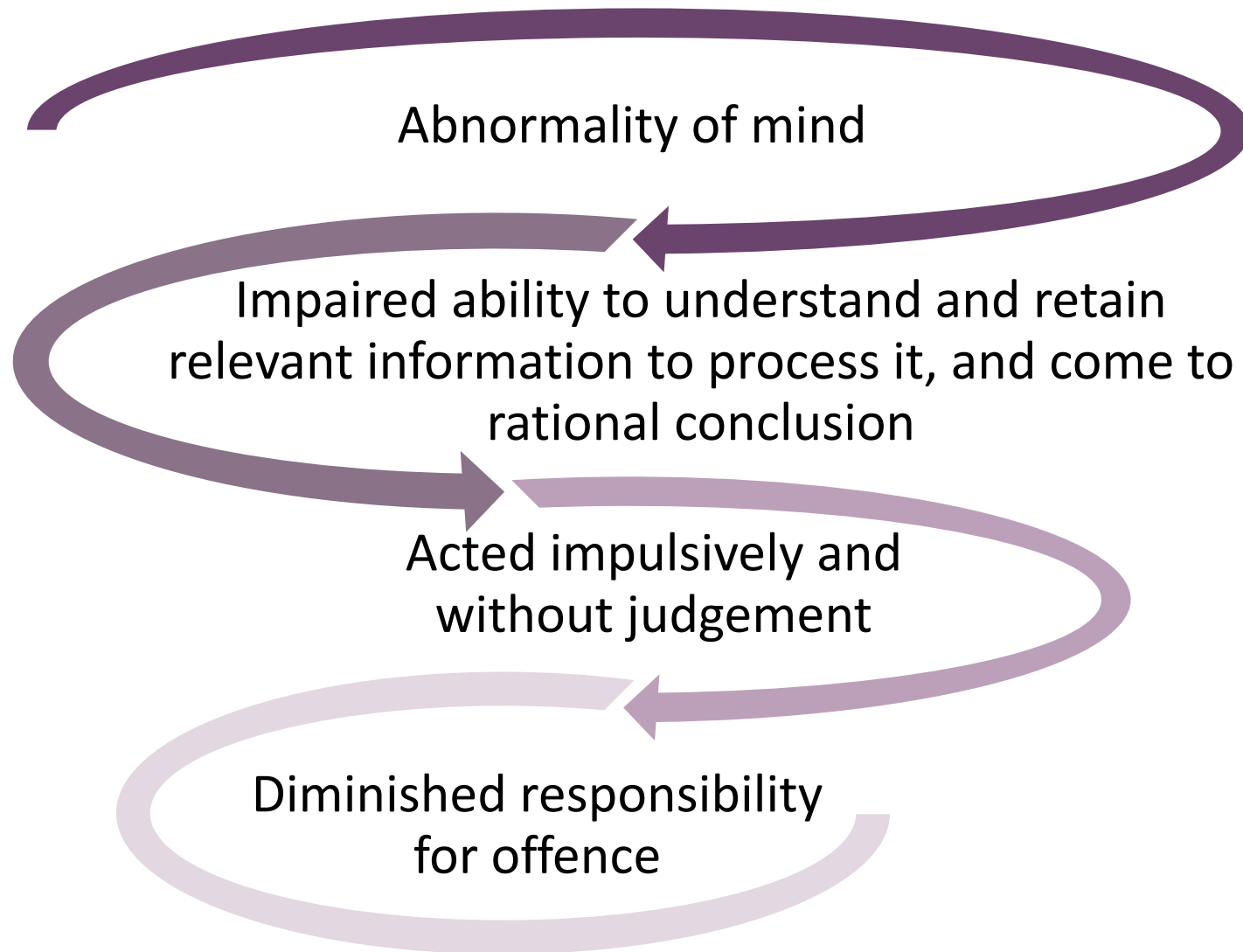
- Has the benefit of observational data from prison officers
- Corroborative information from mother consistent with personality changes after accident
- **IQ assessment** on 14 August 2014 showed deterioration from Borderline/Low Average → Extremely Low/Low Average range
- **Neuropsych assessment** showed that several abilities 'below age expectations'

“Abnormality of Mind”



- Borderline to Low Average functioning prior to 2006 accident
- Concrete rigid thinking
- Limited problem-solving, planning and organisation
- Gross deterioration of cognitive, memory and speech abilities
- Moody, temper tantrums, thoughtless and impulsive
- Depression worsened cognitive functions

“Abnormality of Mind”



Challenges in forensic work



Assessments at different timepoints

- Offence took place in 2008
- First assessed at 2013 and then 2014
- Difficulty with retrospective analysis of mental state at material time



Different data, different conclusions

- The progression from finding "no abnormality" to recognising depression and intellectual impairment reflects the benefit of
 - observational data,
 - corroborative information,
 - and objective testing

Challenges in forensic work



Tension between Disciplines

- Legal standard: abnormality of mind
- Psychiatric POV: How do we explain the exact mechanism and interplay of Depression + Intellect on decision-making, judgement and impulse control?



Cost of Justice

- Not everyone is able to afford a psychiatric defence
- Prosecution and defence expert witnesses often differ in opinion, resulting in lengthy proceedings, multiple assessments and costly trials

