

Analysis of the Shane Todd Coroner's Report

July 23rd, 2013

Following the release of the Coroner's Report on Shane Todd's death the Straits Times (100% owned government newspaper) ran an editorial ("Recognizing the Truth in the Shane Todd Case" July 17th). It expressed the view that the Coroner's finding puts to rest the controversy over Shane Todd's death and criticizes the family for pursuing the truth as to the death of their son. However, a reading of the Coroner's Report raises more questions and highlights more issues and anomalies than it answers. The location of specific parts of the Coroners reports are marked <P#xx> to speed review of relevant sections.

Possibly these answers may be found in the transcripts of the Coroner's Inquiry required by Section 43 of the Coroner's Act and the Coroner's directive to State Counsel in Paragraph #12 <P#12> of the Coroner's Report to make available the transcripts and documents to the family, counsel, and the Public Prosecutor (ie. The Attorney General) this has not been done and many requests have gone unanswered. It will soon be one month since the end of the inquiry and one would assume the Coroner had transcripts available to write his report. As such there is no excuse for delaying the release of the transcripts.

The Coroner's Report however is the document of record to evaluate and in summary it has let down Singapore, the family and everyone involved and interested in this case. At issue specifically are three of the five key findings including; i) the time of death, "*sometime between 7am and 1pm on 24 June 2012*", ii) "*there was no foul play involved in the deceased's death*" and iii) "*the deceased had committed suicide by hanging himself*". <P#287>

At the outset it must be said that it is not the role of the Todd family to prove murder and provide a motive. It is however the role of the Singapore Police to fully investigate with an open mind all the circumstances surrounding an unnatural death according to the highest standards and procedures, and most certainly it is the role of the Coroner to determine, as per the Coroner's Act Section 27(1)(b), "*how, when and where the deceased came to his death*".

The Coroner, after a ten-day inquiry, declared the cause of Shane's death as suicide "*beyond a reasonable doubt*" and the US Embassy upon the release of the report declared the inquiry "comprehensive, fair and transparent". From that local officials have widely used the US Embassy statement to consider the case closed, however it may help to review some of the issues that remain of concern in the Coroner's Report and why the Coroner, the US Embassy and the Straits Times have got it wrong. This however is not to say the charge of murder as a result of a conspiracy is right, but rather that the verdict of suicide is not proven beyond a reasonable doubt and many anomalies exist in the investigation, inquiry and report.

The inquiry, as stated in the Coroner's Report, "*is to be a fact-finding inquiry, not a fault-finding inquiry*" <P#4> and in this goal the contention is that it was not successful as the facts are not utilized professionally to render a judgment and the fault-finding of the family and their witnesses was completely out of balance with suppositions and the acceptance of evidence so long as not presented by the family. This skepticism is not intended to have "impugned the impartiality of Singapore's investigative and judicial processes", nor it's "primacy of law" nor is it an indictment of Singapore's well-deserved "emphasis on integrity in governance issues" <quotes from ST Editorial>. Rather the concerns rest with this specific investigation, inquiry and report which demonstrate deep flaws, does not achieve it's higher purpose and thus has disappointed those who have come to expect a much higher standard in Singapore.

It should be noted at the outset that the Todd family waited for over a year for the Coroner's Report when typically coroner reports are completed in three to six months according to press accounts. While the family and their counsel have repeatedly requested the inquiry transcripts from the Public Prosecutor and State Counsel, three months have lapsed with no response and no transcript of the inquiry has been provided.

The Coroner's Report and the ST editorial depict Mary Todd, Shane's mother, as a hysterical, anguished, over-wrought, emotional mother on the verge of a breakdown and in denial. Nothing could be further from the truth.

Knowing Mary Todd she can be described as a strong, determined, rationale, loving Mother of four sons, supported by a very close family and a deep religious faith. Her e-mail handle is "toddmomof4boys". Mary and her husband Rick upon their initial arrival in Singapore found many inconsistencies and anomalies in what they saw and were being told by the police. This is the reason they asked for FBI involvement from the beginning of the investigation. They also came to feel strongly that the inquiry was highly antagonistic towards them as State's evidence began to be presented to them at the last minute.

This being a middle class family of modest means from a small rural town in remote Montana, they were clearly outgunned on the legal front as State Counsel and IME reportedly retained a number of top legal firms between them. The Todd family on the other hand were unable to find a large law firm that did business in Singapore that was willing to represent them. Yet they assembled an array of experts who have analyzed the facts surrounding this case calmly and logically despite a lack of access to the all the evidence.

Reading the report one notes a defensive tone, questionable judgments, conflicting testimony, loose ends and spurious opinions. The Coroner's Report goes beyond it's remit seeking to rebut contentions of the family and the media across a wide range of issues, many unrelated to the cause of Shane's death. After more than a full year crucial questions still remain unanswered and hence their rejection of the report's conclusion.

The family intends no disrespect of Singapore, it's people or it's Government. They merely contend that the initial investigation was poorly executed, other alternatives for Shane's death were not given due consideration, evidence was grossly mishandled, and the inquiry and report largely served only to preserve the narrative established in the days after Shane died. While the family has presented a hypothesis as to what may have occurred, this is beyond the scope of the inquiry and confuses the purpose, which is the cause and circumstances surrounding Shane's death. Those who are critical of this case do not believe the investigation, inquiry and report lead to a solid conclusion of suicide and the process of this specific investigation and inquiry leaves a great deal to be desired. It is well understood that this is an important case for Singapore as it involves a

talented American working on potentially sensitive dual-use technology with export controls. As such Singapore has a great deal at stake here.

The Straits Times editorial is important as it is the Government's paper of record. It portrays the Todds as petty because they "turned their backs on the proceedings". To the contrary, the Todd's walked out of the inquiry on matters of principle and fairness. Their frustration began when they received documentation too close to the inquiry date to be fully reviewed prior to the proceedings. It built when the Coroner changed the dates of their testimony from the original schedule to beyond their ability to remain in Singapore thus precluding their testimony without significant hardship. It culminated with the surprise announcement of an important witness not fully disclosed in advance amongst other issues.

As regards the witness, Luis Montes, he arrived in Singapore at 7pm May 18th. State Counsel received his conditioned statement at 7pm on May 20th yet State Counsel did not announce he was ready to give evidence until just prior to lunch on May 21st to begin right after lunch thus providing the family only a few hours to prepare. <P#9> The family simply asked for a one-day adjournment to prepare for cross examination and request necessary documents relating to this witness. The Todds had only met this witness once briefly at a widely attended cocktail party almost a year earlier.

The adjournment request was denied by the Coroner on the absurd rationale that the Todds should have thus known and expected him to testify as they had met him once briefly at a cocktail party a year earlier held for his friends following Shane's death. The coroner also pre-judged that this witness' anticipated testimony was "unremarkable" <P#10>, without any idea what a quality cross-examination might reveal. Finally the coroner did not want to "*inconvenience*" the witness who was due to fly to Paris the next day. That this witness readily offered to stay an extra day to aid in the cross-examination was blatantly ignored by the Coroner and thus cut off a critical line of inquiry. <P#10-11>

All this is essential as this witness, Luis Montes, was Shane's good friend who had spent substantial time with Shane the day before his body was

found and was believed to be the last to see him alive. The Coroner even wrote; “*the confirmation of Luis Montes as a witness was indeed rather late*”, yet he still refused to grant even a one-day adjournment. Further, while the Coroner’s Report stated that he last met Shane the evening before his death the family say his actual testimony was uncertain as to when he met Shane. Without the transcripts it is impossible to study his testimony.
<P#8-13>

After the family listened to days of testimony that did not consider other options than suicide, were forced to endure hardship to stay in Singapore, and were not allowed to prepare for this critical witness, thus led the family to lose confidence in the process. This is understandable given the critical nature of this witness to Shane’s state of mind in the 12-18 hours prior to his body being found, assuming in fact he did meet Shane when the Coroner says he did. The Coroner, under Section 38 of the Coroner’s Act is allowed to adjourn the inquiry. That the Coroner chose not to respect the simple request of the family for a one-day delay, when they had been waiting almost a year to hear from such a critical witness, provides the rationale and logic as to why they walked out of the proceedings.

The Report said Luis had gone to Shane’s house the day before his death to look at furniture and then they went to a local coffee shop for a beer, made plans to go surfing in California, and discussed the future of CMOS vs GaN technology. <P#73> Luis testified that Shane was “*normal*” and gave no indication whatsoever that he was either depressed or suicidal. Just 24 hours later Shane was found dead. It thus does not seem fair to deny a one-day adjournment to prepare for such a key witness when compassion would have been called for.

One of the more significant aspects of this inquiry affecting its credibility are the differing accounts of discussions between Mary and Rick Todd and Sergeant Khaldun (“IO Khaldun”) of the police over the police description of the scene of Shane’s death. Mary Todd claimed IO Khaldun read to them a detailed description of how Shane hung himself. It involved a complex scene of holes, bolts, ropes and pulleys. When Mary Todd saw the apartment it bore no resemblance to the description IO Khaldun read to her and she asked to see the paper he read from. The IO later denied he said this, yet

refused to turn over the paper from which he was reading. Mary Todd's recollection was very vivid, including being told of the screwdriver having been of an electric type and brand new (a brand new electric screwdriver was found in the apartment).

There was a simple way to determine the truth; there was a witness to the conversation. As per the Coroner's Report Ms. Traci Goins, Vice-Counsel at the US Embassy was sitting there during this discussion as was Rick Todd, Mary's husband. Thus to determine who is telling the truth Ms. Goins only needed testify or make a conditioned statement, yet she did not <P#102-112 , P#266>.

Under Section 30 of the Coroner's Act the Coroner has the power of "*...summoning and compelling the attendance of witnesses...*". Alternatively under Section 33 a "*...written statement...is admissible...to the same effect as oral evidence...*". The Coroner should have utilized his Magistrate's Court powers to compel this testimony and establish who is telling the truth. However, the Coroner states that "*...it was significant to me that the only other person privy to the discussion, namely Ms. Goins, did not provide to the court any reason why she was unable to come forth to confirm if the NOK's version of events was indeed true.*"

The answer to this comes from the US Embassy who has made it absolutely clear on numerous occasions that the US Embassy offered Ms. Goins and Mr. Bryant, both employees of the US State Department, to testify and further offered to delay Ms. Goins relocation back to the US to accommodate the schedule of the inquiry. However, according to the US Embassy, the State Counsel never requested either to testify at the inquiry. The US Embassy further related that on the last day of the Coroner's Inquiry they were contacted by State Counsel about Ms. Goins availability yet, as was known by State Counsel, she had already left as State Counsel had declined the Embassy's offer that she remain and testify.

It is important for a moment to ponder this fact pattern. The coroner twice blames Ms. Goins and the US Embassy for her lack of corroborating testimony and unexplained willingness to testify, when in fact the State

Counsel never requested her to testify. This is highly disingenuous yet representative of the lack of credibility provided in the Coroner's Report. It can be argued that State Counsel asked about Ms. Goins availability on the last day of the inquiry to create the fiction that they tried to gain her testimony however this is just speculation. The Coroner had the opportunity to resolve this issue of credibility and yet chose not to, and further chose to not clarify the circumstances surrounding Ms. Goins testimony. The same also applies to Mr. Bryant; Counsel of the US Embassy and Ms. Goins superior, who also had corroborating testimony, yet was not called by State Counsel. Based on this one can question how this report could be considered "comprehensive" by the US Embassy.

One also needs to explore why the family did not call Ms. Goins and Mr Bryant to testify. The family requested it yet it seems that the family's counsel, under the advice of Mr Bryant of the State Department advised the counsel and the family they could not testify due to diplomatic immunity. However the US Embassy has emphatically denied this and this question remains unresolved.

Following on this issue of credibility, the external hard drive also remains an important outstanding issue. The family testified they found a device in Shane's apartment a few days after his death and believing it was a computer speaker they packed it with his personal effects. Once home the family realized the device was in fact Shane's external hard drive that had been used to back-up Shane's computer. The family sent it to a specialist in computer forensic examination and it was found to contain a variety of files relating to Shane's work at IME. These files, along with Shane's discussions with his parents, subsequently formed the basis of the family's hypothesis that Shane's was murdered due to his work. This scenario is the one which appeared in the Financial Times article 'Death in Singapore' on February 15th 2013.

Is it just a coincidence that on February 27th, 2013, only 12 days after the Financial Times article appeared and 248 days after Shane's body was found that Superintendent Tan of the Singapore Police wrote the FBI requesting their assistance with this hard drive? Mr Tan only asked for three areas of cooperation and two were in retrieving and examining the hard drive and

providing the analysis to the police. The family offered a copy if the police provided a copy of the same from Shane's computers and phone. The police declined. The police desire to have the hard drive returned was prominently covered in the media and the family was portrayed as withholding evidence.

Here again we see the disingenuous actions of the police. IO Khaldun testified at the inquiry that actually it was he who gave the hard drive and two thumb-drives to the family just days after Shane's death. He further testified that he did not seize the hard drive and two thumb drive as exhibits as he did the computers, the cell phone and IME diary but rather they "*were brought back by him to the Central Police Division for safekeeping*". This raises the question why? And why was seizing them as evidence not considered "safekeeping"? He further produced a receipt dated June 28, 2012 claiming that he had provided the hard drive to the family. <P#106> IO Khaldun then acknowledged that he had also accessed this hard drive three days after Shane's body was found.

Thus the police's story is that they found the hard drive, didn't follow international standards by sending it immediately to the computer forensics department but rather decided to keep it for "safekeeping", then accessed the hard drive without computer forensics involved, then deciding it was a "personal effect" gave it to the family, and issued a receipt for it. Then, some 35 weeks later, formally requested the FBI to seize and analyze it, sending the results to the police while using the media to make it look like the family was obstructing justice. Given the police claim to have given it to the family then blaming the family for having it is baffling. This hard drive was accessed on the day (June 23rd) before Shane's supposed death at 3:40am and then at 5:47pm when he was supposedly having beer with Luis. This anomaly remains unexamined and unexplained by the Coroner, which is surprising since according to phone records Shane's cell phone was not used at all during on the day before his supposed death which was highly unusual.

Again we see a situation where the Coroner attempts to lay blame on the family when in fact the blame lies with the police who returned the hard drive and thumb drives. These discrepancies alone cast doubt on the veracity of this investigation and inquiry. However there are many others as well which leap from the pages of the Coroner's Report. For example;

- In modern investigations it is standard practice to review digital footprints as one would fingerprints or DNA. Computer forensics are used to recover the full array of data and thus it is essential to turn over such computer and cell phones immediately to a forensic lab before the batteries drain and lose RAM memory, tainting the evidence. The Technology Crime Forensic Branch of the Technology Crime Division, Criminal Investigation Department of the Singapore Police Force handles Singapore's computer forensics and dates back to 1996. However, Shane's computer and cell phone were not handled according to International Standards for reasons, which remain unexamined and unexplained by the Coroner.
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- Shane's HP laptop was seized the day his body was found. His Gateway laptop, which was right on top of the TV console, was not discovered for an additional three days. The two laptops were not subsequently sent to the forensic lab until about five weeks later, which is not explained nor examined. Aside from the fact there is no good reason not to hand them over to the forensics lab immediately, this begs the question where they were and how they were handled for that five-week period. It further creates the suspicion of, and potential for, tampering with evidence given the family immediately challenged the assumption of suicide and repeatedly emphasized to the police that foul play may be involved.
- Even more troubling is that the cell phone was not sent to the forensic lab until 78 days after it was seized and 41 days after the laptops were sent for investigation. After the phone was recovered it was left on until the batteries drained. The phone activity in the period just prior to and following his body being found is not disclosed yet is highly relevant. This compromised the digital analysis as Starhub testified it only retains data for 90 days and limited the ability of the expert to perform a credible forensic analysis. The reason for this extreme delay remains unexplored and unexplained in the Coroner's Report.

- In our world today our digital life provides a near complete record of our activities. Yet this aspect of Shane's digital history on the two computers, his cell phone, his five credit and debit cards, his ez-link card remains unexplored in the report. One wonders if this were a criminal trial whether any of this evidence would even be admissible in a court of law, as the evidence was not properly secured. One also wonders about the IME diary that was found when Shane's body was found. This was considered evidence yet was not sent for analysis for 24 days and then only for handwriting. There is no mention of the content of the diary in the Coroner's Report.
- The police investigators did not find Shane's Gateway laptop and his medicine bottles. They were discovered by the family days after his body was found, despite being on the TV console and in the medicine chest. It is breathtaking that the medicine wasn't sent for analysis until 82 days after the date of seizure and how it was stored and where is neither disclosed nor discussed, nor is there an explanation for this delay in particular given the families repeated statements that Shane did not commit suicide.
- On March 12th in an article in the Financial Times ("Singapore to share Todd evidence with FBI") the Singapore Police and K. Shanmugam committed to a full sharing of the evidence obtained with the FBI, including the computers found in his apartment. However there is no mention of whether this took place, to what extent and most importantly what conclusions the FBI reached as a result of this sharing, if any. Whether this commitment from the highest levels of the Singapore government was fulfilled remains an open question, yet no information from the FBI is included in the Coroner's Report.
- It has not been reported in the media that the Coroner delivered a scathing four-page rebuke of Dr Lo, Shane's *"immediate supervisor at the IME"*, for *"improper influence of witnesses in the CI"* on April 11, 2013, in relation to their testimony at the inquiry. Prior to the inquiry *"State Counsel was of the view that there was a possibility that an attempt was made at this meeting to try to influence the evidence of the witnesses"*. According to the Coroner *"Dr Lo simply*

had no right to try to delineate or circumscribe the scope of the witnesses' conditioned statements" and he was "wrong and ill-advised". While this could be considered Obstruction of Justice, the Coroner took no action.

- What is most fascinating is that the IME employee Romen made a secret audio recording of this meeting with Dr Lo. Why he would feel the need to do this remains unexplained. Three excerpts make it clear what Dr Lo was attempting to do. Dr Lo: "...in my (statement) we talked with the police talk about Huawei project... (not audible). It's only between us and the police. It was not intended to be released in the public. The whole reason that IME is keeping very quiet because there is some confidential information which... we are not supposed to say (not audible)... You read IME statement, respect the customer's confidentiality... (not audible).. It's the outmost... It's the integrity of the A*Star as well as IME... (not audible) so that is the whole reason..... (not audible)... what you need to do (not audible)... You understand what I am saying... you understand?". Romen: "...I spoke the truth.. I have no issue during coroner's inquiry if the judge is asking for more details...". Dr Lo: "...make sure that the things that you say is not violating the confidential rules." Romen: "But the law is above the contract... It's above the contract." Here we see Romen bring a recording device into a meeting clearly for protection from undue pressure from Dr Lo who is trying to affect the testimony of seven witnesses who are in the room. Romen rightly resists this pressure. The nature of this confidentiality and pressure is difficult to ascertain as the testimony and the transcripts of the inquiry have not been released, as they should have been. <P#17-23>
- The Coroner went to great pains to paint Shane as depressed and suicidal despite an overwhelming lack of evidence from friends and colleagues that while he was anxious and unhappy with his work he was not perceived as either severely depressed or as suicidal. A reading of the report relies greatly on innuendo, projection and circumstantial evidence. For example a few days before his body was found at a farewell dinner the two witnesses cited in the Report had opposing testimony as to Shane's emotional state with one saying he was "normal" and the other "unhappy".

- At a farewell lunch the next day five witnesses at the lunch testified Shane was; “*less stressed and relaxed*”, “*quiet and appeared concerned*”, “*unhappy*”, “*did not notice anything unusual*”, or “*his usual self and smiling*”. That night, the day before his body was found, was the supposed dinner with Luis where he was making future plans. The Coroner did not seem fit to comment that Shane did not sound like someone who was preparing to take his life in 12-18 hours.
- The Coroner used Shane’s treatment for depression over a decade ago as the basis to weave a false trail of depression and suicidal tendencies. (Superintendent Tan also made this his third request of the FBI, to assist in gaining access to confidential doctor-patient records.) The Coroner’s statements are wildly speculative, of questionable integrity and wholly out of context. For example, the Coroner does not mention that according to the Center for Disease Control about 9% of Americans, over 25 million people, report feeling depressed and that about 8.7 million receive treatment. Singapore’s Institute of Mental Health has identified depression as Singapore’s most common mental illness affecting one of every 16 people or over 330,000 individuals.
- Depression is an accepted medical issue with accepted diagnosis and treatment. No longer is it considered a stigma to suffer from feelings of depression or anxiety. The Coroner wrongly uses a treatment from ages ago to try and justify something for which there is no evidence today from people who interacted all day with Shane including friends, family co-workers and his girlfriend in the period immediately preceding his death. That Shane saw a qualified physician for depression over a decade ago and then had a single visit in April 2012 is hardly a marker for suicide. In fact it is a sign of someone who is self aware and committed to his personal health and well-being.
- Further to this the coroner goes to great lengths to discuss suicide websites visited (listed in over seven pages) in the months prior to his death. However when the family requested the URL’s and links they

were not provided. Here one must also keep in mind the laptops were not properly transferred to a forensic lab for five weeks. According to licensed computer forensic specialists, turning back the date and time on the computer can allow for the creation of retroactive web activity. Also if the family had the URL's they could cross-check the websites to determine whether Shane's computer accessed them. The coroner does not consider these standard possibilities in his report nor were they investigated. Also it remains unknown, assuming they were visited, what other explanation could be considered. Many people have visited some of the same websites generally cited, such as those about suicides off Marina Bay Sands. Singapore saw a record number of suicides in 2012 some of which were high profile. Also without a broader assessment of all his searches the coroner is cherry-picking from a wide range of potential explanations. <P#250>

- Shane saw a Dr Lee, a trained psychologist, on one occasion of unknown duration on April 4, 2012 for a consultation on a "*sense of anxiety*". He was prescribed Lexapro a very widely prescribed medication for depression and anxiety. Millions of people take Lexapro to help with stressful situations. Dr Lee testified that Shane's situation was "*moderate*" and that Shane "*did not feel that life had no meaning nor were there any suicidal ideations expressed*". Dr Lee further expressed the expert opinion that "*not a great number of patients would have been able to mask their suicidal ideations from a trained psychiatrist like himself*". From this the Coroner makes incredulous leaps of intuition about Shane's state of mind calling into question the objective nature of the report.
- The Coroner further speculates how many tablets of medicine Shane had taken despite expert testimony by Dr Lee that he was "*unable to confirm for sure*" the medicine found in Shane's apartment "*were indeed the Prescribed Lexapro Tablets*". With this dangerous lack of information the Coroner then jumped to the conclusion Shane had not taken enough medication and then went even further to then speculate on his state of mind in the period before he died. None of these highly speculative conclusions are supported by any evidence or personal observations whatsoever.

- The coroner has given extraordinary weight to this single visit with Dr. Lee well beyond what is warranted and weaves it into a tale of recurring depression, visits to websites leading to suicide when all the evidence does not point to suicidal tendencies whatsoever and the computer data was compromised given it was not turned over to authorities for about five weeks.. <P#57-60, 109, 223, 248-9, 255-6>
- There are major unresolved discrepancies surrounding the state of Shane's body in the hanging position. The police reported that when Shane was found his *"feet were flat on the bedroom floor"*. <P#83> The Coroner discounts this as a result of having performed 'simulations' which admittedly did not use the same materials, which were conducted under conditions and with knots, which were not verified by other experts and which are unclear to what extent replicated the actual conditions of Shane's death.
- Of particular note is the comment that *"even if there had been two or more persons, to lift up and hang the body..."* the Coroner was *"...ruling out the possibility that the deceased may have been hung up..."* <P#258-262> which is based on the *"fact that there were no suspicious marks found on the deceased's body"* <243>. Here it is worth noting that Rick Todd's family was in the mortuary business for over 100 years and was in it himself for three years, he found enough to be suspicious of. The coroner dismisses the possibility of a Carotid Arm Lock that can render someone unconscious in 5-10 seconds saying Shane would have scratched his own neck vertically to escape. Not if someone else was holding his hands, or was professionally trained. In fact it is more likely that the attacked would scratch his assailant arms with his nails. However no DNA was ever collected from Shane's fingernails or the knot even though two sets of additional DNA besides Shane's found on the towel and the strap were never tested for a match. <P#263> It is also incredulous to believe the Coroner believes that two or more people could not have hung Shane's body off the door.
- Then there is the matter of the photos. When police arrived SC/SGT Soh took two photos of Shane hanging on the door with a cell phone. These are the only photos taken of him on the door in a hanging

position. IO Khaldun ordered the photos be sent to him and then deleted. The coroner's report does not mention those photos again. When Mary Todd arrived she asked IO Khaldun if photos of Shane hanging on the door existed and was told no. The handling of crucial photographic evidence was handled in a haphazard manner and not within professional standards for evidence. The Coroner does not inquire into these photos.

- The evidence in Shane's apartment was not preserved due to preliminary assumptions made by the police. Thus no fingerprints were ever taken and no DNA was collected at the scene. The police on the scene dispute each other under oath as to whether SSI Rayme was wearing gloves or not when handling the computer. While the Coroner does not discuss whether any other police at the scene were wearing gloves, there are photos of Shane's body being handled without gloves. The black strap and white towel against Shane's neck was not sent for forensic testing until 37 days after it was seized. (The white towel on the floor under the chair was never tested for DNA.)
- The DNA results showed there were two additional samples of DNA in addition to Shane's on those items. Singapore has maintained an extensive DNA database for over a decade yet the Coroner made no reported attempt to try and identify the additional DNA and dismissed it as "*ultimately neither here nor there*". It is indeed quite striking how the Coroner is able to make fantastic leaps into Shane's mind on supposition yet how breezily is dismissed the hard evidence of alien DNA without so much as any effort to identify it.
- The Coroner also just swept aside questions about the post-it notes authorship and content. That a post-it note saying "*Please do not enter. Please call the police*" <P#83> was inside the room is dismissed by the Coroner who speculates that Shane simply "*forgot*" to put it outside without considering perhaps someone else 'forgot' to put it outside.

- As to the authorship of the post-it notes the best the State expert could say was it was “*probable*” Shane wrote it and while there were “*similarities*” the evidence is “*insufficient to indicate a high probability*”. It is worth noting that “*probable*” means it is not conclusive. Yet the Coroner, without explanation says; “*I was satisfied that the (sic) Post-it Notes were indeed written by the deceased himself*”. <P#177-180>
- There is perhaps too much to say about concerns over the veracity of the suicide note. A few points will suffice. There was a specific memory in the suicide note to his family, which never occurred. The Coroner, with no basis in evidence or fact speculates, “*the deceased had remembered wrongly or expressed himself wrongly*”. The Coroner then goes on to greater speculation as to how a unlikely a deceptive note would be versus Shane just making a mistake. <P#193>
- Once one reads some examples of Shane’s notes and letter it is a stark contrast to the content of the suicide note. Once one becomes acquainted with Shane’s writing style the notes seem completely out of place. Sentence fragments such as “*...about how I was loving son,...*” or “*If you allow me to, I ask that my family decides what to do with my remaining money*” resonate for those of us who have lived in Asia for a while as local grammar and again wholly out of place with Shane’s tone and style.
- An interesting content point, which was not commented on by the Coroner, is that in the alleged Draft Suicide Note to his girlfriend Shirley it ended with “*I leave all my money to you from my Citibank.*” Therefore, these two notes show a designation of beneficiary changing from one note to the other yet this receives no notice. <P#252>
- The night before Shane died he was with Luis having a beer at a local coffee shop. However the two blood tests and the urine test show no signs of alcohol. The Coroner Report did not inquire with Luis as to

how many drinks Shane might have had and whether an EtG test was used whereby reportedly even three drinks can be detected 20-24 hours later.

- Finally, yet not exclusively, I would note that when Shane was found his front door was unlocked, and Shane's neighbor mentioned he knocked on the door of Shane's apartment the day of his death because the Internet was not working. The Coroner's Report does not discuss these issues that are relevant to the state of Shane's apartment and why the internet was out and Shane's front door was unlocked.
- While not dwelling at this time on the many further anomalies relating to Huawei and IME it is worth noting, "*The IME had a total of five contracts involving Huawei*". They dated back as early as 2007 and at the time of Shane's death three were still outstanding and ongoing. IME and Huawei clearly had an established relationship and had been discussing the GaN Power Amplifier Project for over a year until it was seemingly delayed (not canceled). Shane had participated in a meeting with Huawei about the GaN Power Amplifier on April 19th, 2012, only 66 days prior to his body being found. Then Huawei and IME held a meeting on June 5th 2012 (without Shane). This was only 19 days before his body was found.
- Huawei then seems to delay cooperation with IME on the GaN project with IME in an e-mail dated July 11, 2012 saying "*Because our goal of GaN is indeterminate until now, so we couldn't starting the cooperation on SiC immediately, let's keep in touch*". This was only 17 days after Shane Todd's body was found hanging on a bathroom door. It would be an obvious question as to what is the real meaning of this e-mail as Huawei was an established research partner of IME. Also, whether IME told Huawei of Shane's death and exchanged e-mails or phone calls to this effect remains unexplained and unexplored.
- As to the possibility of violating export controls with the GaN Power Amplifier described in the Coroner's Report Shane was right to be

concerned and his concern demonstrates he was being prudent and thoughtful in worrying about potential export violations. The GaN Huawei-IME specifications were 150 watts at 0.5 to 3.0 GHz. If the GHz rating only increased to 3.2 GHz there would be an export violation. Professor Kwong testified that “...*the frequency and power output of the actual device might be lower than that researched into for the model*”. In other words the device might be tested at a level that violated export controls.

- The Coroner continues; “*The evidence showed that the deceased was alive to and was worried about the possibility of violating export control laws and compromising US security...*”. The Coroner concludes; “...*there was no basis to have such worries that the IME would have actually proceeded to do so.*”. However, Professor Kwong directly contradicts this conclusion when he testified “...*it was general practice in the research industry to research a little beyond the specifications of the required device.*” Therefore Shane was right to be concerned about export control violations with regard to the GaN project.

These facts above represent but a few of the many anomalies within the Coroner’s Report. Many of these relate to the procedures utilized by the police. However the Coroner makes the assertion “*that it is not for me at this forum to make findings on the appropriateness or adequacy of the standard operation procedures of the SPF, or on the conduct of the police officers in carrying out their investigations the way that they did. These are ultimately matters within the remit of the relevant authorities and the internal review mechanism of the SPF. While I accept that the police officers had exercised their discretion to make certain judgment calls in this case (which I found no reason to disagree with based on the circumstances available evidence, there should perhaps be more guidelines put in place and/or enforced to govern such exercise of discretion.*” <P#265>

With this the Coroner makes clear that the police either did not have proper guidelines and/or did not enforce existing guidelines. The Coroner thus makes the decision to not hold the police accountable for bad judgment, sloppy procedures, the handling of evidence in an improper manner, and

their unprofessional conduct. This lack of accountability in particular violates Singapore's hallowed principles of meritocracy, discipline and integrity. Here the Coroner refuses to discuss in any way those actions by the police which compromised this investigation and which thus damage fatally the credibility of this report. Without question there should be a full-scale investigation into the police actions in this case.

At this point it's important to step back and look at the bigger picture. Here is a highly successful PhD who is unhappy in his work position for a variety of reasons. (One must understand that in Singapore being unhappy at work is almost a national obsession.) He quits his job, gets a new one in the US, is packing to move home in one week, has clothes in the laundry, his airline ticket is purchased, is saying good-bye to his many friends and colleagues, is charging his cellphone, asks his family to hold off on a celebration until he gets home, and the night before he is supposedly having a beer and making plans to go surfing with a friend in California. He is in a stable relationship with a woman he cares deeply about and they have made plans to continue their relationship when he returns to the US. No one in his wide range of friends has testified to any abnormal or very depressive or suicidal behavior. A doctor he sees reports no troubling warning signs. Boxes are on the floor, clothes are being washed and folded and price tags are going on his furniture. We have no information as to text messages, phone calls, e-mails, web searches or credit card usage that day as they remain unexplored.

Does this really sound like a suicide scenario? Now add that he is ringing alarm bells over the possibility that classified national security secrets may be being leaked to the Chinese and he tells his family he fears for his life showing obvious anxiety and then acts on his concerns by giving notice to the IME and finding a new job and the theory of suicide becomes even more far fetched. This broad picture in tandem with the points raised above does not merit a declaration of suicide "beyond a reasonable doubt". It is not the role of the family to prove murder and provide a motive. It is however the role of the Coroner to prove suicide. This report does not offer proof "beyond a reasonable doubt"; at best it can be called inconclusive and certainly not the "comprehensive, fair and transparent" as claimed by the US Embassy. The investigative team and the Coroner have left many stones unturned, have created new questions and have produced a speculative

report as to the cause of death that is not justified by the information and witnesses presented.

To explore many of these issues in more detail one would need to read the full transcripts of the inquiry. The Coroner's Act requires an inquiry to be publicly held (Section 25 and 31), it gives the Coroner great power to call witnesses and gain testimony (Sections 30 and 33) and record the proceedings (Section 36) with a transcript made available to the Public Prosecutor (Section 43). The family, their lawyer and the US Embassy have all repeatedly requested the transcript and it still has not been provided.

In fact in paragraph #12 of the Coroner's Report is the following sentence from the Coroner; "*I subsequently directed State Counsel to make arrangements to extend copies of the transcript and the documents tendered to the court to the NOK.*" ("Next of Kin"). However to date this has not been done despite a direct order to State Counsel. The coroner delivered his verdict after a year of investigation and inquiry in only 15 minutes, took no questions allows no appeal and has not made the transcripts available as promised. This does not meet the test of "transparency" and serves only further fuel suspicions.

On March 12, 2013 the Financial Times quoted Mr. Shanmugam, Singapore's Foreign Minister as saying "We are committed to getting to the bottom of this. There will be a public inquiry, and all the facts will become public". The police were quoted in the same article saying "We have also told the FBI that we will share with the FBI evidence obtained so far in accordance with the legal framework of both countries", both agencies are committed fully to assuring that the investigation is thorough". The FBI has not confirmed these commitments have been made nor were there any findings in the report nor any confirmation the commitments were fulfilled.

In conclusion, specific to the case of Shane Todd the investigative and judicial authorities can reasonably be found lacking and have not fully discharged their duties in this situation to reach a conclusion "beyond a reasonable doubt". The process thus may not be considered "comprehensive,

fair and transparent”. The family and all who are willing to invest time in this case are justified in not believing closure has been reached. The investigation, inquiry and Coroner’s Report clearly does not do justice given the severity of this situation and its high profile nature.

It is obvious why Governments would want such an issue to be resolved in the manner it has. While perhaps the right answer has been reached suicide has most certainly not been proven, nor has the case as stated been made conclusively. At this point after so much time has passed perhaps the truth is now unable to be ascertained. This is not an excuse to not continue to follow leads and resolve the many questions remaining. The US-Singapore relationship is extraordinary can endure a much deeper inquisition into the matter of the circumstances around Shane Todd’s death to the satisfaction and credibility of all involved. The media of the world has been watching this case and deep questions remain that will not allow this issue to rest. The Straits Times editorial does not reflect the content of the report and thus should be reevaluated on the merits.

It has been widely reported that a Coroner’s Report may not be appealed. However under Section 26 (3) of the Coroner’s Act “...where it appears to the Public Prosecutor that further investigations are necessary, the Public Prosecutor may direct the Coroner to re-open the inquiry and make further investigations, and the Coroner shall comply with such directions and thereafter proceed in the same manner as if the proceedings at the inquiry has not been concluded.” So here is the mechanism to reopen this investigation, clear the air and reevaluate the facts of this case. One can only hope Mr Steven Chong, Singapore’s Attorney General, will do the right thing to the benefit of all parties to this sad series of events.

The Todds are not a wealthy family and they have but one small law firm working on a pro bone basis while the State Counsel and IME reportedly had ten or more law firms involved. This put even a greater onus on the Public Prosecutor to ensure all leads are followed, no conclusions are jumped to, and the word of the police sits evenly on the balanced and blind scales of justice with those of the family. The Straits Times editorial states that Singaporeans “want nothing more than to have all sides of the story told in the interest to getting to the bottom of the case”. The Singaporean and

American people do demand justice be delivered in a comprehensive, fair and transparent manner and expect the inquiry will be reopened to meet this test.

In order to fully conclude this inquiry and “get to the bottom of the case” the following steps should be taken:

- 1) the US Embassy retracts it’s July 8th statement of support for the Coroner’s Report pending a reopening of the inquiry and publically makes it clear that both Ms Goins and Mr Bryant of the US State Department were made fully available to the State Counsel for testimony prior to the Coroner’s Inquiry, yet they were not called to testify,
- 2) the Public Prosecutor as per Section 26(3) of the Coroner’s Act moves to “direct the Coroner to re-open the inquiry and make further investigations...as if the proceedings at the inquiry had not been concluded”,
- 3) the President, on the recommendation of the Chief Justice, appoints a new State Coroner as per Section 41 of the Coroner’s Act,
- 4) the newly appointed Coroner directs the State Counsel to engage Ms. Traci Goins and Mr. Craig Bryant to testify either in person or by Conditioned Statement,
- 5) the State Counsel and/or Public Prosecutor immediately releases publically the full transcripts and evidence of the Coroner’s inquiry to date,
- 6) the Singapore Police and the FBI jointly and comprehensively reexamine all digital evidence and issue publically a joint statement with any disagreements noted by either side,
- 7) the Singapore Police to uses all available means, technologies and their extensive database to establish the identify of the two unidentified DNA samples found on the towel and the strap used in the hanging,
- 8) the newly appointed Coroner fully resolves all discrepancies in testimony and procedure,

9) the legal authorities to review how the legal profession treats families like the Todds who can encounter unconscionable challenges in securing legal representation, and finally,

10) the Singapore Police to review in full detail the judgments, decisions, procedures and actions of the Singapore Police in the Todd Shane case as part of the record of the Coroner's Inquiry, including the securing of evidence and resolving contradictory statements by the police.

The review presented is meant to highlight that the investigation, inquiry and report in the Shane Todd case has been inadequate and does not prove suicide on June 24th between 7am and 1pm beyond a reasonable doubt, nor does it prove the absence of foul play and that Shane Todd in fact hung himself. A reopened inquiry with a new Coroner appointed will allow the facts to take the case to its logical conclusion, wherever that may be, and hold this process to the highest standards and excellence that Singapore holds itself to, and for which it is world renown. To do anything less would be to fail to live up to Singapore's well-earned reputation in the international community.

This analysis was prepared by Michael Dee who is an American citizen and Permanent Resident of Singapore (since 2001). Michael was an investment banker for Morgan Stanley for 26 years and was the regional CEO for Southeast Asia based in Singapore from 200-2004. Following his relocation to Houston Texas in 2004 he was requested to act as Singapore's Honorary Consul General to the State of Texas until he and his family again relocated to Singapore in 2008. Upon his return to Singapore he was employed by Temasek Holdings for as Senior Managing Director and Senior Advisor from August 2008 through December 2010. While there his direct superior was Ho Ching who is the wife of the Prime Minister Lee Hsien Loong.

While in Singapore Michael was deeply engaged in commercial and community life in Singapore including serving on the high level Economic Review Committee, The board of Singapore Management University, the board of the Economic Development Board, the board of the Asian Civilizations Museum, the board of the Singapore American School, and has raised hundreds of thousands of dollars for various other philanthropic activities. Michael raised the funds to send Singapore's Special Olympics team to both the summer and winter World Summer Games and is a co-founder of the Make-A-Wish Foundation (Singapore). He currently is on the board of the Duke-NUS Graduate Medical School where he chairs the investment committee and sits on the investment committee of the National University of Singapore.