

HIGHER RIGHTS OF AUDIENCE ASSESSMENT

IN RESPECT OF CRIMINAL PROCEEDINGS

THE PRACTICAL ASSESSMENT

BUNDLE OF EVIDENTIAL MATERIAL

This bundle contains the following evidential material:

1. The indictment
2. The video-recorded interview under caution of Julian Richards, the defendant
3. The witness statement of Peter Winter, the alleged victim
4. The witness statement of Alice Chan, past girlfriend of the Defendant and present girlfriend of the alleged victim
5. The witness statement of Sgt Wong Chi Hung
6. The witness statement of Ng Sau Yik, a crew member on the junk, the Margin Call
7. The witness statement of Dr. Nigel Au, a Government forensic pathologist
8. The witness statement of Dr Helmut Wong, neurosurgeon treating Mr Henry Ma
9. The combined doctors' statement setting out the injuries sustained by Peter Winter

Indictment

Attempted Murder, contrary to Common Law and Section 159G and 159J(1)(a) of the Crimes Ordinance, Cap. 200.

Julain Richards, on the 20th day of December 2014, attempted to murder Peter Winter.

Transcript of a video-recorded statement made under caution by Julian Richards, the interview commencing at 1930 hours on 30 December 2014.

- Interviewer: Do you understand the caution?
- Richards: Yes.
- Interviewer: You were informed that you could bring a lawyer -
- Richards: I don't need a lawyer. All I did was defend myself. This is crazy. Winter should be the one giving a cautioned statement. He was the one who attacked me.
- Interviewer: Is it correct that at one time you had a romantic relationship with Chan Mei Li, Alice?
- Richards: We were together for 6 years. At one time we were engaged to be married. When she told me that she had met someone else I couldn't accept it. I'm prepared to admit it. Yes, maybe I did stalk her a bit – if you want to call it stalking. All I wanted to do was to talk to her, to see if there was any way we could get back together again.
- Interviewer: Did you ever threaten her?
- Richards: Okay – so people say stupid things when they're breaking up and in a deep state of emotion. But if I did say anything it was never intended, she must have known that. If she has told you I ever laid a finger on her then she's lying.
- Interviewer: Did you ever threaten to kill her and her new boyfriend?
- Richards: Never, that's rubbish. She is just trying to get revenge on me, that's all. She has made that up.
- Interviewer: On 20 December 2014 you were a guest of Clifford Ma on the junk, Margin Call. Did you know that Alice Chan was also a guest?
- Richards: Yes, Clifford told me. Clifford and I have been friends for a long time. He knew that Alice and I were having difficulties

and probably hoped to get us together again. I don't think he knew she had a new man in her life.

Interviewer: But you knew.

Richards: I guessed it, yes. But I didn't know for certain.

Interviewer: Did you have any idea of the new man's identity?

Richards: Not until that day on the junk, no – not for sure. Although I knew she was seeing some guy at her work, they both did a lot of running together. That was Peter Winter. They call him „Snowy“ – because of his surname, I suppose. Yes, that day on the junk I realized they were an item. They didn't do anything to hide the fact. I had been hoping for a reconciliation, a chance at least for some time alone with her, so you can imagine I was pretty cut up.

Interviewer: That afternoon when you were all on the beach, did you see Alice Chan and Peter Winter return to the junk together?

Richards: Yes, I did. Stupid of me to follow them, I know that now. If you want to prosecute me for stupidity then I plead guilty. I had a feeling why they were going back. You know, to find a cabin. I was hoping against hope it wasn't that, that there was some ordinary reason. But I had to find out.

Interviewer: What happened?

Richards: When I got on board, I couldn't see them. That's when I knew they must have gone down to a cabin together. So I went down. I could hear some noises coming from the first cabin. I stood outside, listening. Again, stupid of me. To hear somebody you love in such an intimate situation with another man, well...

Interviewer: What then happened?

Richards: I went up on deck. And I waited. Why? I'm not sure. Did I intend to attack him, Winter I mean? No, of course not. I have never attacked anybody in my life before. I think I just wanted to find out for sure from Alice. Just to let her know how much I loved her and to ask her to think again. I knew

about this guy Winter. I knew he had been married before and had left a couple of children in the lurch back in Australia. I knew he wasn't for Alice, not in the long run. I thought they might come up together and I might ask if I could speak privately to Alice. But, as it was, he came alone. He looked at me and he just smiled. He said something along the lines of: "So the loser is here, stalking us again." I replied that all I wanted to do was to talk to Alice alone for a few minutes. I remember that he said that Alice wasn't interested in talking to me. I know that I then said something stupid...

Interviewer: What was that?

Richards: I said that it was for Alice to decide whether she wanted to speak to me. I said that just because he had been to bed with her didn't put him in charge and he seized on that. He started laughing in a mocking sort of way. He said something like: "So the stalker has been listening at the door has he? Well, did you enjoy it? Then he called me a pervert. And that's when I threw the bottle..."

Interviewer: Please explain.

Richards: There was a table. It was full of beer bottles, most of them empty. I was seething with frustration, I admit that. I picked up a bottle and threw it and I swore at him, something like: "You bastard". But I didn't throw the beer bottle anywhere near him. It was just my frustration being vented. He must have known that. But he seized on it. I realize now it was just the excuse he was looking for. I've already told you he was a runner. He was fit and fast. He grabbed a knife off the table, the sort of knife you use for cutting meat, and came at me.

Interviewer: So you threw a bottle in frustration but not at him and he then attacked you with a knife?

Richards: In a nutshell, yes. I remember he said: "you want it, you're going to get it". But he knew I hadn't thrown the bottle at him. He just wanted to hurt me.

Interviewer: How?

- Richards: He slashed the knife across my forearm, He opened up the arm, muscle and all. But he didn't step back, he kept coming at me, jabbing with the knife at my belly. I was able to jump away. He stabbed me but not seriously. But I knew that unless I defended myself he was going to kill me. He had gone crazy. I remember shouting at him: "Are you mad? Look at my arm. Look what you have done." But he wouldn't stop. It was only then that I picked up another beer bottle and, as he came at me, I tried to defend myself. He put his arm up and I hit that. I heard him shout out. I think it just made him angrier and that was when I hit him again.
- Interviewer: That was the blow to his head?
- Richards: I suppose so, yes. I didn't aim for his head. I was just flailing out. But I saw him fall and that gave me my chance to try to get away. That was when I ran to the front of the junk.
- Interviewer: The wounds to your stomach area – there are 6 – were they self-inflicted?
- Richards: What? Of course not. That's rubbish.
- Interviewer: What happened when you got to the bow?
- Richards: I sort of collapsed. I don't think it was the wounds so much, just the shock of everything. That was when Clifford's father, Mr Henry Ma came across to me. He said: "Don't worry, I saw everything. I saw him attack you with the knife. What sort of barbarian is he?" He then said that he had been on his mobile speaking to a friend when he saw us shouting at each other. He said he had a premonition that something bad might happen and that's when he switched on the video function. "Don't worry," he said, "I saw him attacking you first with the knife. You had to defend yourself. I saw it." Then he knelt by me to check my wounds. After that I don't remember too much. The shock, I suppose. But I do want to emphasise that I am not a violent person. I have never hit anybody in my life. As I have said, yes, it was stupid to follow them to the junk. But that's all I am guilty of.

Witness statement of Peter Winter

1. My full names are Peter Bruce Winter. Most people call me „Snowy“. I am 35 years of age. I came to Hong Kong from Australia a year ago to join PJS Bank as head of trade finance. I had been through a bad divorce in Australia, losing custody of my two children, and I was looking for something new.
2. I met Alice Chan at PJS Bank and we became good friends. She is a senior member of corporate banking. I am keen on fitness. I have run several triathalons and I coached Alice for her first marathon in Hawaii which she ran in October 2014.
3. I knew that Alice had a long-term boyfriend, Julian Richards, a banker. Alice told me that it was a pretty stormy relationship because of his obsessive jealousy. I knew that Julian Richards went with Alice to Hawaii for the marathon but when they came back Alice told me they had broken up.
4. I was very attracted to Alice and I could see that she was attracted to me. Within weeks of her getting back from Hawaii we started going out. However, we kept our relationship pretty much to ourselves. I was still having difficulties with my ex-wife in Australia and I didn't want to advertise a new relationship. That would just have given her more cause to make my life a misery.
5. Alice told me that Julian Richards was still bothering her even though she had made it very clear that it was over between them. I remember one night in early December when Alice and I went for a drink in Lan Kwai Fong. We were sitting at a corner table and we saw Julian Richards come into the bar. He was on his own and clearly looking around for Alice. As soon as he saw us he found a spot to sit and just stared at us until we left. It was spooky. I remember when we left the bar that night we joked that we both had obsessive ex partners.
6. As for the junk trip on 20 December 2014, Clifford Ma heads corporate banking at PJS Bank and apparently he traditionally takes some of his closer friends and senior staff out for a day on his family's junk a few days before the Christmas break. Alice was also invited. However, I don't think that Clifford had any idea that we were seeing each other.

7. I should have known that Julian Richards was likely to be on the junk trip too. He and Clifford were old friends. But, to be honest, I did not think about it.
8. Alice and I were waiting for the junk at the Aberdeen Marina Boat Club when we saw Julian Richards arrive. When he saw us – well, as they say: if looks could kill.
9. We tried to ignore him for the rest of the day but he was always around, staring at us. I hardly saw him talk to anybody, just knocking back the red wine. He must have put away a bottle or more, Chateau Talbot too. To be frank, I wanted to go up to him to tell him to leave us alone but Alice said she didn't want to risk a disturbance, not at Clifford's junk party.
10. In the late afternoon, when we were all on the beach, Alice and I decided to return to the junk. I think that half the reason was to get away from Julian Richards. We got the motorboat back to the junk and then went down to one of the cabins. We wanted to be alone – for fairly obvious reasons.
11. We had been in the cabin about 30 minutes or so when I went back on deck. Alice was just tidying herself up: lipstick and stuff. I went up to wait for her.
12. When I got back on deck, I was confronted by Julian Richards. He said something crazy about the fact that he and Alice were engaged to be married and I had no right to be with her. He said I should leave her alone. Then he said something about wanting to talk to her. He was being pretty aggressive, the sort of aggression that comes from too much drink.
13. To be honest, I don't really remember what was said between us, just the sort of empty words that men say when they are confronting each other over a woman. I was pretty fed up being stalked by him and I remember calling him a „loser“ I remember also that he said something about hearing the two of us in the cabin. That stung me and I called him a „pervert“.
14. Up to then it had just been angry words and no harm done. But then he picked up a beer bottle and threw it at me. He threw it from close range. I had no time to react and it glanced off my shoulder.
15. That I hadn't expected. Men like us – bankers and brokers into their thirties – don't get into bar brawls. I must have said something in shocked

reaction but I don't remember what. The next thing I remember was that he was coming for me with another beer bottle and he was aiming for my head. I put up my left arm to try to ward off the blow. The bottle caught my wrist, causing a bad fracture. From that moment on my left arm was useless.

16. At that stage I heard Alice shouting. She was at the entrance leading down to the cabins. She shouted out in English, telling Julian Richards to stop.
17. But he came at me again. I knew I had to defend myself. I managed to grab a knife from the table but I was very much off balance. I swung out with the knife, just once, and I know I caught him. I think it was on his arm.
18. Then I don't remember much, just the sensation of the blow to my head. I remember Alice holding my head in her lap and calling for help and that's about it.
19. The doctor told me I was lucky to be alive. If the police hadn't acted as fast as they did I would be history now. The doctor told me I had a depressed fracture to the left side of my skull. They had to do brain surgery to allow for the swelling, drain off excess blood and correct the deformity caused by the depression of my skull.
20. I am told that Julian Richards says that I attacked him and that all he was doing was defending himself. That I deny. When I confronted Julian Richards on the deck he was half crazy with jealousy and drink. I didn't want to fight him.
21. I have been asked about two relatively recent criminal matters. There is nothing in either of them.
22. In the worst stages of my divorce in Australia, my wife's new boyfriend swung a punch at me when I went to the house to pick up my kids. I swung a punch back. We both agreed to be bound over.
23. The more recent matter occurred in the early hours of the morning in Lan Kwai Fong. A couple of rugby players were being insulting to the women there. I told them to mind their language and one of them came for me. I punched him. That's all, one punch. No knife, no nothing. I'm told the rugby player doesn't want to press charges. If it goes to court I'll plead self defence.

Witness statement of Chan Mei Ling, Alice

1. I am 33 years old. I have been employed by PJS Bank for the past 7 years since obtaining my MBA at Kellogg in the United States. I am presently deputy head of corporate banking. As to my marital status, I am a divorcee.
2. Shortly after my marriage broke down about 6 years ago, I began seeing Julian Richards. At that time we both worked in the corporate banking division of PJS. Julian asked me to marry him on several occasions. I never said yes. But, not wanting to hurt his feelings, I never rejected him entirely.
3. The truth is that our relationship was very stormy. We are different in character. I am far more outgoing. I like being with people and that Julian found impossible to live with. He is an obsessively jealous person.
4. For example, I went to Hawaii in October to run my first marathon. Julian came with me. He accused me of trying to have an affair with another guy from Hong Kong who was in the marathon. It was all in his head. He had come across us talking a couple of times, that's all.
5. It was in Hawaii that we broke up for good. Shortly after that I started seeing Peter Winter.
6. Julian, however, could not accept our break-up. He began stalking me, following me home at night, sitting on his own in restaurants when I was eating there with friends. He admitted it to me, that he couldn't stay away from me. On one occasion when I confronted him, he asked who I was with and said that he would kill both him and me. I was with my cousin and told him so. But it didn't phase him. He just said: well cousins can have sex together.
7. By about mid-December Julian knew that I was seeing somebody on a serious basis but I don't think he was sure who. For all sorts of reasons, Peter wanted to keep our relationship quiet at that time.
8. But on 20 December, on the junk trip, Julian could see that Peter and I were together and that we were romantically involved. He kept staring at us and following us. In the end I couldn't take it any more. I went up to him and told him to stop staring at us and following us. It caused a bit of

a scene but I didn't care. I suspect being confronted like that in public made him even angrier.

9. In the late afternoon, I don't remember exactly when, Peter and I took the motorboat back to the junk. I had a bit of headache from the wine. Clifford is a hugely generous host and there was no way you could keep your glass empty. Peter said he felt like a nap too. Even for an Aussie, he said, the wine was getting to his head too. So we went down to one of the cabins. We were there for about 45 minutes, I suppose.
10. Peter said that all he needed was a power nap and he was ready to face the rest of the day. He said he would go up on deck and wait for me there. My hair was untidy and I wanted to do my face. So I stayed in the cabin.
11. I was still doing my make-up when I heard two men up on deck shouting at each other. I recognised the voices of Julian and Peter.
12. I heard Julian telling Peter that he was engaged to be married to me and that Peter shouldn't interfere in our relationship. Julian also said that he wanted to speak to me alone. Peter all the time was doing his best to calm Julian down, trying to pacify him. But I have known Julian for too long. I knew from the edge to his voice that he had completely lost control of himself.
13. It was at that stage that I left the cabin and ran up to the deck.
14. As I came out onto the deck, I saw Peter holding his left arm which was hanging limp. Peter said something like: "Are you mad? Look what you have just done. Let's stop this now." But it was clear Julian didn't want to stop anything. He gave a sort of shout and I think he said: "I'm going to kill you". But the words were mostly lost in his throat: a sort of half shout, half spoken sentence.
15. At that stage I saw Peter reach across towards the table to take some sort of carving knife that was lying there. The crew had carved cold turkey on the journey out. But in reaching across to the table, Peter lost his balance and fell to one knee. As Julian closed in on him, Peter waved the knife and I think it cut Julian on the arm. Then Julian hit Peter with all his force to the top right hand side of his head. Peter collapsed.
16. At that stage, I suppose I became hysterical. I was shouting for help, saying that somebody had been killed and demanding that the police be

called. Julian was just standing there, frozen. I shouted at him to get away from us.

17. Julian looked at me then he reached down and picked up the carving knife that Peter had used to defend himself. I thought for a moment that he was going to attack me or Peter or both of us. But he just turned and ran to the front of the junk.
18. I am told that Julian has told the police he was at all times acting in self-defence. That is not correct.
19. There is one final matter that I would like to mention because I am sure that Julian will raise it if he is taken to trial in this case. About 3 years ago, when Julian and I were still together and going through one of our very good patches, I was a passenger in Julian's Porsche leaving a parking garage. As we were driving towards the exit Julian collided with a vehicle reversing out of a parking bay. I wasn't paying that much attention but it seemed to me that the car pulled out right in front of us, giving Julian no time to brake. I told that to the police and made a witness statement too. Julian was sensible and said nothing. About a week later when they retrieved a video camera film, it showed that I was mistaken. The other vehicle had already reversed out and had stalled before our Porsche even came down onto that floor. There were threats to charge me with perverting the course of justice but nothing ever came of it. I made a mistake, that's all and it was only a motor car case.

Witness statement of Sergeant Wong Chi Hung, Marine Division, the Hong Kong Police Force

1. I, Wong Chi Hung, a police sergeant in the Marine Division of the Hong Kong Police Force hereby make the following supplementary statement in order to give details as to two matters; first, the circumstances relating to the loss of a potential exhibit, an Apple Iphone 6 mobile telephone and, second, the unsuccessful search for a knife.
2. In so far as is relevant, I adopt the contents of my original statement made on 21 December 2014.
3. When I boarded the junk, Margin Call, after ensuring that the two injured men, Julian Richards and Peter Winter, were both receiving medical attention and had been taken to a spot on the junk in order to be transferred to the police launch, I spoke to the owner of the junk, Mr Henry Ma, who said that he had witnessed the events.
4. Mr Ma was at the bow of the junk. As I have said in my original statement, Mr Ma did not appear to be well. In my presence, he vomited. He was pale and slurring his words. To the best of my understanding, he said that the fight between the two injured men had been started by „the other one“. I asked him who he meant . It seemed that he was attempting to reply but could not find the words to do so. He was obviously in much discomfort and kept saying that he had seen everything.
5. Mr Ma then told me he had recorded the events on his mobile telephone. It’s all there, he said, or I think it is, some of it at least. He had a mobile telephone in his hand but instead of giving it to me he attempted to put it back into his jacket pocket. I took the mobile telephone from him. It was an Apple Iphone 6.
6. At the time I did not have time to formally log in the mobile as an exhibit and secure it. This is because I was called to assist in the transfer of the two injured men to the police launch. It was getting dark and the wind had risen very strongly. We were a man short and it was essential that I help with a safe transfer,
7. I placed the mobile telephone in my jacket pocket. In my rush, however, I cannot say for certain that I buttoned up the pocket. All I remember is having to lean over the side of the junk to help ensure a steady and safe

transfer of one of the injured men when the mobile telephone slipped from my jacket pocket into the sea.

8. There was obviously no means by which we could attempt to retrieve the mobile telephone that day. On the following day, however, I caused enquiries to be made with senior technical staff at Apple Headquarters in Singapore. I was informed that the sea water and silt would have destroyed the magnetic recording material in the mobile telephone and that no purpose would therefore be served in attempting to retrieve it.
9. A notarized statement from Lewis Barnes, Chief Engineer of Apple Inc, Singapore, is attached to this statement, confirming what I was informed.
10. Upon return to the Marine Police boatyard, the junk, Margin Call, was held in quarantine to enable necessary forensic work to be completed. On the day following the events, that is, on 21 December 2014, it came to my knowledge that Mr Julian Richards had sustained knife wounds. The knife was described as being a carving knife approximately 12 cm long with a bone handle. However, despite a thorough search, the knife could not be found. It must be assumed therefore that in some way it was either thrown overboard or lost overboard.

Witness Statement of Ng Sau Yik

1. My name is Ng Sau Yik. I am 66 years of age. I have been employed for the past 30 years by the late Mr Henry Ma as a crew member on various boats that he has owned. Mr Ma has always been a good employer. When I first started to lose my hearing I expected to be given notice but Mr Ma insisted that I stay in employment.
2. On the afternoon of 20 December 2014, I was instructed to work on Mr Ma's junk, Margin Call. His son, Clifford Ma, was having an end of year celebration, taking out a group of friends. I was told to expect 20 people.
3. Mr Henry Ma came along. He had not been well for a number of months and his son was very concerned about him. They were very close. I recall that when we sailed into the Lamma Channel, Mr Henry Ma told me that he was not feeling too good. He said he had a bad headache. The youngsters, he said, were making a lot of noise. He told me he was going down to his cabin.
4. When we got to Lantau, we moored off Cheung Sha Beach so that the guests could be ferried ashore by motorboat for their picnic. I stayed on the junk the whole time together with the captain and Mr Ma of course. Every now and again one or two guests would come back to the junk, perhaps to use the toilet facilities or change and then go back to the beach.
5. In the late afternoon I took some tea down to Mr Ma in the main cabin. There were three cabins on the junk. To get to the main cabin I had to walk along a short passage past the other two cabins.
6. On this occasion I saw a European man standing in the passage outside the first cabin. He looked upset. His eyes were red. I asked him if he was alright and if he needed anything. He did not reply. He was the man I identified at the identification parade held on 30 December, the man standing at number 3. I am told his name is Julian Richards.
7. When I took the tea to Mr Ma in his cabin I could see he was not well. He went to his toilet and vomited. He said it was sea sickness. But I had never seen him be sea sick before. Mr Ma said that he had a very bad headache and might go up on deck for a little fresh air. Maybe that would help. I told him that was a good idea. When he finished his tea, I helped him along the passage and up onto the deck.

8. When I helped Mr Ma along the passage, the man, Julian Richards, was no longer there.
9. Having helped Mr Ma onto the deck I then went up to the bridge to spend some time with the captain. The captain told me that the winter monsoon weather was forecast to start bringing in some rougher weather.
10. I do not know how long I was with the captain, perhaps 30 minutes. I remember that it was late afternoon when I heard loud shouting. My English is not good so I did not understand what was said but the shouting was loud and angry. At first the captain and I thought that there was just an argument going on. There was a lot of drinking wine. We thought that was not our business. But then we heard banging sounds as if somebody was knocking something over. We then heard a woman's voice. At first she was shouting in English. But then she called out in Cantonese, saying that somebody was dying and she needed help. It was then that I ran down from the bridge.
11. When I got to the deck I saw a Chinese woman kneeling over a European man holding his head. The man appeared to be unconscious. There was blood running down his face onto the deck. I was later informed that the man's name was Peter Winter. The woman shouted to us to call for medical help and to call the police.
12. The captain went back to the bridge to call for help while I remained with the woman and the unconscious man.
13. I then heard some sounds coming from the bow of the junk. It was the sounds of a person groaning. I went forward to investigate. At the bow, lying on the deck, I saw the European man, Julian Richards, the man I had seen outside the first cabin. Kneeling next to him was Mr Ma.
14. Mr Ma spoke to me. I could not hear clearly. I have already told you of my poor hearing. In addition, the wind was picking up. I was also in a bad state of nerves. I had never seen anything like this before. But I remember Mr Ma saying that he had seen it all and that „the other one“ had been the one to attack.
15. Mr Ma showed me his telephone, an Apple Iphone 6. He said he had caught it all on the video. I remember him pointing at his telephone and saying: “It's all there.”

16. Mr Ma said the European man lying on the deck next to him had received knife wounds to his stomach and was bleeding. He said I should get a clean towel from his cabin.
17. A few minutes after I returned with the towel, a police launch arrived. I remember it was beginning to get dark and the wind was stronger.
18. Later, just before they transferred the injured men to the police vessel, I was present when a police officer spoke to Mr Ma.
19. Mr Ma spoke English. I think he told the officer that he had seen everything and that he had recorded it all on his Apple Iphone 6 from just after the first angry words were spoken until the end. I saw Mr Ma hand the telephone to the officer.
20. Mr Ma then told the officer that he was not feeling well, that he had a bad headache, and was going down to his cabin. He further told the officer that he would be happy to give a statement when he was feeling better.
21. I escorted Mr Ma down to his cabin. His son, Clifford, was very concerned about him and came down with him, all the time saying sorry for the terrible things that had happened.
22. Once we were in the cabin, Mr Ma lay down and closed his eyes. I took off his shoes. As I was doing so, I heard Mr Ma make a couple of small moans. Clifford shook his father's arm and asked him if he was alright. But Mr Ma did not reply, not even when Clifford shook him harder.
23. I later learnt that Mr Ma had suffered a stroke, right there in the cabin as I was taking off his shoes.

Witness statement of Dr. Nigel Au M.D., fellow of The Royal College of Forensic Pathologists

1. I am a medical doctor and for the past 30 years have been a fellow of The Royal College of Forensic Pathologists. One of my fields of speciality concerns the nature of traumatic injuries and their causes. I have been employed by the Government of the HKSAR as a forensic pathologist for the past 10 years and in that time have been accepted as an expert witness by the courts of Hong Kong on more than 50 occasions.
2. On the night of 20 December 2014 at 2130 hours I was asked to attend the Queen Mary Hospital to examine a European male, Julian Richards, who had been admitted a few hours earlier suffering from what he said were knife wounds. At 2230 hours, I commenced my examination in the Mens' Surgical Ward having obtained the written consent of Mr Richards to be examined, a copy of that consent being attached [candidates are to assume it is attached].
3. My examination of Mr Richards revealed a total of 7 wounds.
4. The most severe wound was on the right forearm. The wound, which I estimated to be no more than several hours old, measured some 26 cm in length. As it had been sutured it was not possible for me to measure the depth of the wound but the notes of the Accident and Emergency doctor who first attended to the patient record that the wound was deep, cutting through muscle and in one part revealing bone.
5. By contrast the remaining 6 wounds, which also appeared to be just a few hours old, were all superficial. The 6 wounds ran in almost a straight line across the lower abdomen. They all appeared to have been inflicted by the sharp point of a weapon such as a knife. None had been caused by a slashing motion such as the wound to the patient's forearm. None of the wounds had required suturing. Each wound was about 1cm deep.
6. An examination of the patient's upper body revealed no other cuts or abrasions even of the slightest nature.
7. After my examination, Mr Richards informed me that he had been involved in a fight and that his assailant carried a knife and had attempted to stab him while he had done his best to avoid being injured. In short, it had been a dynamic conflict in which both parties had moved in an attempt to attack and defend.

8. Taking into account the precise linear pattern of the 6 wounds across the lower abdomen and the fact that each was almost of the same depth, each caused by the point of a sharp object, I was drawn to the conclusion that these wounds were self-inflicted. In my opinion, the likelihood of the linear pattern and the almost exact same nature of each stab wound precluded any suggestion that the 6 wounds had been caused in the course of a fight with both attacker and defender moving.
9. It is not uncommon for persons who wish to give the impression that they have been attacked to inflict knife wounds on themselves. In the great majority of cases, however, as the literature reveals (see Auden on the *Trauma of Self-Abuse*, second edition), the wounds are shallow, invariably inflicted in one manner only, that is, by stabbing or cutting and often follow a particular pattern. This is because most people, when they are intending to create a false impression as opposed to inflicting really serious self-harm, are inflected of the potential seriousness of a knife wound (especially to the an area such as the face or lower abdomen) and are therefore instinctively cautious.

Witness statement of Dr Helmut Wong

1. Mr Henry Ma, an 80-year-old man, was admitted to the Hong Hong Sanatorium at 5:55 p.m. on 20 December 2014. He was in a semi-comatose state. Symptoms prior to admission had included severe headache, nausea and confusion. An emergency MRI Scan revealed that the patient had suffered a massive hemorrhagic stroke that had occurred within the brain.
2. Immediate surgery was conducted to repair broken blood vessels and critically to remove excess blood from the brain to avoid dangerous build-up of pressure.
3. A stroke of this magnitude, especially in an elderly man, is often fatal. In this particular case, however, treatment was commenced within a two hour period thanks to the speed with which the patient was transferred by the police to the hospital.
4. Within three days Mr Ma was moved off the critical list and, while complications are always a risk, it is now a question, I believe, of ensuring the best possible recovery.
5. Recovery will, however, be a long process and it would be wrong to be overly optimistic as to the degree of that recovery.
6. At this time, three months after the occurrence of the stroke, Mr Ma remains paralysed down much of the left side of his body. He has great difficulty speaking and his cognitive abilities are severely diminished.
7. As to his cognitive abilities, he can remember that he lives in Hong Kong but cannot remember which part of Hong Kong or his actual address. He is aware that he has made considerable wealth – he knew for example that he had no problems concerning payment of his medical bills! – but cannot remember how he acquired that wealth. He recognizes his son, Clifford, but has been unable to recognize his two other sons, both of whom have resided in the United States for the past five years but are now in Hong Kong and visit him regularly. Indeed, when he is informed by Clifford that they are his sons also and still cannot remember them, it causes him severe distress.

8. As to the events that occurred on the Margin Call on the 20 December 2014, Mr Ma has no memory that he has ever been on a boat. He has no present recall of the day in question.
9. Mr Ma is undergoing a full range of therapies to improve his physical movement and his cognitive powers. He is learning slowly to read again. The results of such therapies have been known to be life altering, especially when, as is the present case, the patient has received treatment in well under three hours. But when I talk of „life altering“ I am talking of the ability to read, to remember family and old friends, to conduct relatively simple conversations. While I cannot discount it entirely, I have the gravest doubts that Mr Ma will ever be in a position to accurately recall the events of 20 December 2014 on the Margin Call and to be able to express them in coherent language.

Statements as to the injuries sustained by Peter Winter

Candidates are to assume that the injuries listed below have been contained in separate statements made by two doctors: the doctor who first examined Peter Winter, and the surgeon who conducted surgery to his depressed skull fracture and thereafter to his fracture of the wrist.

The wrist

Peter Winter sustained a comminuted fracture caused by a heavy impact with a blunt object. While there was heavy bruising and swelling, there was no breaking of the skin. The fracture was comminuted in that the bone was shattered into 4 pieces.

The skull

Peter Winter sustained a depressed fracture of the skull which means that the impact of the trauma caused the skull to become sunken. Emergency surgery was required to relieve pressure on the brain, drain excess blood and correct the deformity of the fracture. It was further necessary to remove two small fragments of bone from the outer surface of the brain. The injuries caused by the trauma were potentially fatal and, if surgery had been delayed, would have been fatal.