IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2025] SGHC 133

Magistrate's Appeal No 9019/01 of 2025

Between

Public Prosecutor

… *Appellant*

And

Lin Pengli Barrie

… *Respondent*

Magistrate's Appeal No 9019/02 of 2025

Between

Lin Pengli Barrie

… *Appellant*

And

Public Prosecutor

… *Respondent*

EX TEMPORE JUDGMENT

[Criminal Procedure and Sentencing — Sentencing — Appeals]
[Criminal Law — Statutory Offences — Animals and Birds Act]

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Public Prosecutor
v
Lin Pengli Barrie and another appeal

[2025] SGHC 133

General Division of the High Court — Magistrate's Appeal No 9019 of 2025
Vincent Hoong J
9 July 2025

9 July 2025

Vincent Hoong J (delivering the judgment of the court *ex tempore*):

Introduction

1 The criminal justice system strives, among its other objectives, to protect the vulnerable. As evidenced by our body of sentencing law, the courts[1] and the legislature[2] have consistently advanced this protective ethos, in part because the vulnerable among us are often unable to protect themselves from abuse and neglect.[3] In other words, the law defends those who cannot defend themselves. This sets the backdrop for the present appeal, which involves serious harm inflicted on a truly defenceless class of victims – animals protected under the

1 See generally, *AQW v Public Prosecutor* [2015] 4 SLR 150 at [18], *Pram Nair v Public Prosecutor* [2017] 2 SLR 1025 at [127], *Lim Hock Hin Kelvin v Public Prosecutor* [1998] 1 SLR(R) 37 at [25].

2 See generally, ss 73, 74A, 74B, 74C and 74D of the Penal Code 1871 (2020 Rev Ed).

3 Penal Code Review Committee, *Penal Code Review Committee Report* (August 2018) at p 133.

Animals and Birds Act (Cap 7, 2002 Rev Ed) ("ABA"). The offender's nature of offending in the present case, which involved inflicting violence against animals for his perverse pleasure, was exceedingly grave. His offences are among the most heinous cases of animal cruelty that have come before our courts.

2 In the court below, the offender pleaded guilty to three charges of animal cruelty, which is an offence under s 42(1)(*d*) punishable under s 42(4)(*b*)(i) of the ABA.[4] Two similar charges under s 42(1)(*d*) of the ABA were taken into consideration (the "TIC charges") for the purpose of sentencing.[5] The District Judge ("DJ") sentenced the offender to an aggregate of 14 months' imprisonment,[6] and disqualified him from owning any animal or any class of animals for 12 months.[7] Although both parties have lodged appeals against the DJ's decision, for convenience, I shall refer to the offender as the Respondent.

3 The Prosecution appeals against the imprisonment term imposed by the DJ,[8] on the ground that it is manifestly inadequate.[9] It submits that the Respondent's sentence should be enhanced to an aggregate of 24 months, consisting of two sentences of 12 months' imprisonment running consecutively.[10] Although the Respondent has similarly filed a cross-appeal

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4 Grounds of Decision ("GD") at [7], Record of Appeal ("ROA") at p 94.

5 GD at [3], ROA at p 93.

6 GD at [4], ROA at p 93.

7 GD at [52], ROA at p 114.

8 Prosecution's Notice of Appeal dated 11 February 2025, ROA at p 20.

9 Prosecution's Petition of Appeal dated 25 March 2025 ("Prosecution's POA"), ROA at pp 24–27.

10 Prosecution's Written Submissions dated 20 June 2025 ("PWS") at paras 5 and 81.

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against the imprisonment term on the basis that it is manifestly excessive,[11] he has since clarified that he no longer pursues this appeal.[12] He now takes the position that the sentence passed by the DJ is appropriate, but submits that if this court decides to increase the sentences for the individual charges, then only two sentences should run consecutively, for an aggregate imprisonment term of not more than 14 months.[13] In this judgment, I will focus on the sentence of imprisonment as neither party has appealed against the disqualification order.

Facts

4 I begin with an overview of the facts which give rise to the Respondent's animal cruelty charges.

5 The Respondent began abusing cats towards the end of 2019.[14] Whenever he felt frustrated or troubled, he would go on walks near the Housing Development Board ("HDB") flats in Ang Mo Kio. He chose this area because he knew that there were more community cats in HDB estates. This meant, in his own words, that there were more "options to harm the cats when [he] was feeling angry".[15] Initially, the Respondent abused cats by kicking them. But his animal abuse became more severe over time. He started bringing small waterproof bags with him on his walks and began abducting cats by putting

11 Respondent's Petition of Appeal dated 21 March 2025, ROA at pp 29–32.

12 Respondent's Written Submissions dated 19 June 2025 ("RWS") at para 5(a).

13 RWS at paras 68–69.

14 GD at [11], ROA at p 95.

15 GD at [11], ROA at p 95.

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them into these bags and sealing the bags.[16] Once sealed, little to no air could enter these bags.[17] The Respondent would abduct one to three cats at a time, and after sealing the cats into these bags, he would either release the cats elsewhere or kill them by throwing them off a high floor of an HDB block.[18]

6 On 18 April 2020, at about 1.48am, the Respondent abducted a cat ("E2") from Block 544 Ang Mo Kio Avenue 10 and sealed it in a waterproof bag for an unknown duration,[19] causing E2 unnecessary pain and suffering. Three days later, on 21 April 2020, at about 4.27am, the Respondent did the same to a cat ("E1") at Block 207 Ang Mo Kio Avenue 1.[20] These two incidents form the factual basis for the Respondent's TIC charges.

7 Unfortunately, E1 was not the only cat the Respondent abused on 21 April 2020. Just an hour earlier, at about 3.30am, the Respondent abducted a cat ("E4") from Block 572 Ang Mo Kio Avenue 3 ("Block 572"). Grabbing E4 by the scruff of its neck, he brought it to the 12th floor of Block 572 and dangled it over the parapet, knowing that cats were afraid of heights. He then dropped E4, causing it to die after it plummeted to the ground floor.[21] After confirming that E4 was dead, the Respondent retrieved a trash bag from his car and disposed of E4's carcass at a different area from where he had killed it.[22] This formed the factual basis for DSC-900868-2022 (the "1st proceeded

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16 Statement of Facts ("SOF") at para 7; ROA at p 11.

17 GD at [12], ROA at p 95.

18 GD at [13], ROA at p 96.

19 GD at [26(a)], ROA at p 99.

20 GD at [26(b)], ROA at p 99.

21 GD at [14], ROA at p 96.

22 GD at [15], ROA at p 96.

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charge”).

8 Less than a month later, on 15 May 2020, at about 3.30am, the Respondent abducted another cat (“E3”) at the void deck of Block 645 Ang Mo Kio Avenue 6 (“Block 645”). Grabbing E3 by the scruff of its neck, he brought it to the 8th floor of Block 645 and dangled it over the parapet. In its fear, E3 struggled and scratched the Respondent on his hand. The Respondent then dropped E3, causing it to plummet to the ground floor. He went to the ground floor to check on E3. Seeing that it was still alive despite the drop, the Respondent stomped E3 on its neck, ensuring its death.[23] After confirming that E3 was dead, the Respondent hid its carcass under the carriage of an unknown vehicle while he returned to his car to retrieve a trash bag. He placed E3’s carcass in the trash bag and drove off with it. On the way home, he disposed of E3’s carcass in a dustbin at a bus stop located at Block 540 Ang Mo Kio Avenue 10.[24] This formed the factual basis for DSC-900867-2022 (the “2nd proceeded charge”).

9 The Respondent was arrested by the police later that day and investigated for his acts of animal cruelty. He was released on station bail the same day.[25] The Respondent was subsequently diagnosed with Major Depressive Disorder (“MDD”). Between December 2020 and June 2021, he received psychological treatment, and his symptoms of depression improved.[26]

10 A few months later, on 27 December 2021, the Respondent reoffended

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[23] GD at [16], ROA at p 96.

[24] GD at [17], ROA at p 97; SOF at para 17, ROA at p 14.

[25] GD at [18], ROA at p 97.

[26] GD at [19], ROA at p 97.

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while on bail. After driving his friends home following a Christmas gathering, he decided to make a detour and return to the block where he had killed E3 (*ie*, Block 645). He did so to "test" if he could control his urges to hurt cats.[27] After arriving at Block 645 at 5.15am, the Respondent spotted a cat ("E5") in a hedge. He attempted to coax E5 out of the hedge towards him, but it walked away. The Respondent followed E5 and eventually caught it. Picking it up by the scruff of its neck, he walked towards a wall and forcefully slammed E5 against the wall twice. He did so with full force, by turning his upper body from right to left to slam E5 against the wall. E5 could be heard screaming in pain when these injuries were inflicted onto it.[28] This formed the factual basis for DSC-900869-2022 (the "3rd proceeded charge").

The decision below

11 The DJ sentenced the Respondent to an aggregate of 14 months' imprisonment. He sentenced the Respondent to four months' imprisonment for each of the 1st and 2nd proceeded charges, and six months' imprisonment for the 3rd proceeded charge. He ordered the sentences for all three charges to run consecutively.[29]

12 The DJ considered the dominant sentencing considerations to be deterrence and retribution. He acknowledged that animals were inherently vulnerable, and it was necessary to stem the prevalence of animal abuse. Moreover, he recognised that animal abuse offences are difficult to detect and

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27 GD at [20], ROA at p 97.

28 GD at [21]–[22], ROA at p 98.

29 GD at [53], ROA at pp 114–115.

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often require substantial investigative resources to uncover.[30]

13 In reaching his decision to impose four months' imprisonment for each of the 1st and 2nd proceeded charges, the DJ considered that "the precedent most analogous to the present case" was *Public Prosecutor v Fajar Ashraf bin Fajar Ali* (SC-911783-2016) ("*Fajar Ashraf*").[31] *Fajar Ashraf* was an unreported Magistrate's Court decision in which the offender faced two charges – one for throwing a cat from the staircase landing of the 10th floor of an HDB flat, and another for slamming a cat to the ground twice, causing it to die. The court sentenced the offender to 18 weeks' imprisonment for each charge and ordered both sentences to run concurrently.

14 The DJ decided that *Fajar Ashraf* provided a "more helpful reference point in sentencing" compared to another set of cases cited by the Prosecution, namely, *Public Prosecutor v Yeo Poh Kwee* [2017] SGMC 72 ("*Yeo Poh Kwee (MC)*") and the High Court's decision on the appeal, MA 9323/2017/01 ("*Yeo Poh Kwee (HC)*") (collectively, "*Yeo Poh Kwee*").[32] Along with "broad observations" derived from four unreported Magistrate's Court cases,[33] the DJ used the sentence in *Fajar Ashraf* as a reference point, before calibrating the sentence for the present case based on the aggravating and mitigating factors.

(a) He noted that there were aggravating factors in the Respondent's case that did not seem to be present in *Fajar Ashraf*. The Respondent's offences were premeditated, as he went to Ang Mo Kio to seek out cats

30 GD at [31], ROA at p 102.

31 GD at [44], ROA at p 110.

32 GD at [44], ROA at p 110.

33 GD at [36], ROA at pp 105–106.

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to abuse. He also dangled the cats over the parapet, causing them distress. Moreover, the Respondent had two TIC charges involving abuse of cats.[34]

(b) As against this, the DJ considered it mitigating that the Respondent was suffering from MDD at the time of the 1st and 2nd proceeded charges. He noted that the psychiatric experts for both the Prosecution and Defence had agreed that the Respondent's MDD contributed to the offences contained in the 1st and 2nd proceeded charges. He found that the Respondent was unaware that he was suffering from MDD at that time, and while the MDD did not deprive him of the ability to control his actions, it impaired his judgment and led him to behave in a manner that was out of character, thereby diminishing his culpability.[35]

15 For the 3rd proceeded charge, the DJ imposed a sentence of six months' imprisonment because the culpability and harm involved in that offence was greater than that for the 1st and 2nd proceeded charges.[36]

16 The DJ noted that the opinions of the Prosecution's and Defence's respective psychiatric experts differed on the question of whether there was a contributory link between the Respondent's MDD and his offending for the 3rd proceeded charge.[37] He concluded that "[t]he contributory link, if any, between his MDD and the offence was unclear, and little or no mitigating weight should

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[34] GD at [44(a)], ROA at p 110.

[35] GD at [44(b)], ROA at p 110.

[36] GD at [50], ROA at p 113.

[37] GD at [48], ROA at pp 112–113.

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be accorded to the mental condition." This was because the Respondent's depressive symptoms were much milder by the time he committed the offence under the 3rd proceeded charge, and he was aware of his MDD and had been receiving treatment.[38] This meant that his culpability for this offence was greater than for the 1st and 2nd proceeded charges. The DJ also considered the Respondent's culpability to be higher for the 3rd proceeded charge because he reoffended while on bail.[39]

17 Finally, the DJ considered the harm caused in the 3rd proceeded charge to be greater than that in the 1st and 2nd proceeded charges because, by forcefully slamming the cat against the wall, the Respondent caused not only pain and suffering to the cat but also left it with grievous and permanent injuries.[40]

18 The DJ ordered all three sentences to run consecutively, noting that the offences involved three separate incidents and three different cats.[41]

Issues to be determined

19 Two issues arise for my consideration, which I will address in turn:

(a) What is the appropriate sentence for each proceeded charge?

(b) Which sentences should be run consecutively?

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38 GD at [49], ROA at p 113.

39 GD at [50], ROA at p 113.

40 GD at [50], ROA at p 113.

41 GD at [51], ROA at p 114.

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Issue 1: The appropriate sentence for each proceeded charge

20 Before addressing the sentences for each proceeded charge, I begin by setting out some general observations on the sentencing exercise for cases involving animal cruelty.

21 In my judgment, the dominant sentencing consideration for animal cruelty offences must be specific and general deterrence, for several reasons.

22 First, the focus on deterrence accords with Parliament's intentions in amending the ABA. In 2014, Parliament increased the sentences for offences under s 42 of the ABA, citing the need for "strengthening the legislation … as our society becomes increasingly aware and concerned about animal welfare issues", and responding to the "rising" number of animal welfare cases (Singapore Parl Debates; Vol 92, Sitting No 17; Page 108; [4 November 2014] (Yeo Guat Kwang, Member of Parliament)). It was the express view of Parliament that "the magnitude of penalty should provide sufficient deterrent as well as punish those who are convicted of committing acts of animal cruelty" (Singapore Parl Debates; Vol 92, Sitting No 17; Page 111; [4 November 2014] (Yeo Guat Kwang, Member of Parliament)). As the court noted in *Tan Gek Young v Public Prosecutor* [2017] 5 SLR 820 at [42], "[i]f Parliament has increased the maximum punishment to arrest the growing seriousness of a particular offence, this signals a need for a deterrent stance in sentencing and the courts must have regard to this" in sentencing (see also *Public Prosecutor v GS Engineering & Construction Corp* [2017] 3 SLR 682 at [51] and *Mehra Radhika v Public Prosecutor* [2015] 1 SLR 96 at [27]). The legislative intent therefore supports the application of deterrence as a key sentencing factor in animal cruelty cases.

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23 Second, the prevalence of animal cruelty and welfare cases suggests that general deterrence is necessary. Statistics compiled by the authorities and the Society for the Prevention of Cruelty to Animals ("SPCA") show that animal cruelty and welfare cases have remained prevalent over the years.

(a) In 2014, when the ABA was amended, there were over 1,000 animal cruelty and welfare cases reported to the former Agri-Food and Veterinary Authority and SPCA (Singapore Parl Debates; Vol 92, Sitting No 17; Page 108 [4 November 2014] (Yeo Guat Kwang, Member of Parliament)). This number has remained high despite the increase in penalties for animal cruelty and welfare offences. From 2019 to 2023, the National Parks Board investigated an average of about 1,200 cases of alleged animal cruelty and welfare cases annually (Singapore Parl Debates; Vol 95, Sitting No 140; [9 September 2024] (Desmond Lee, Minister for National Development)). In other words, the statistics suggest that would-be offenders have not been sufficiently deterred from committing animal cruelty and welfare offences despite the increase in penalties, as the rate of offending remains high. One potential reason for this may be that the sentences meted out for animal cruelty offences have tended to cluster at the lower end of the sentencing range (see [30]–[31] below), rendering them insufficiently deterrent.

(b) Beyond simply remaining prevalent, SPCA's research suggests that animal cruelty offences may even be *on the rise*, based on the number of cases investigated by SPCA. In 2023, SPCA investigated 915 animal cruelty and welfare cases, the highest it had recorded in

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> 11 years.[42] The next year, the number of cases recorded by SPCA continued climbing and reached a 12-year high, as it received 961 confirmed reports of animal cruelty and welfare cases (Singapore Parl Debates; Vol 95, Sitting No 157; [4 March 2025] (Kwek Hian Chuan Henry, Member of Parliament)).

Given the continued prevalence – and potential increase – of animal cruelty and welfare cases, courts must give greater weight to general deterrence in sentencing. This is necessary in order to reduce the frequency of offending in society and achieve the intended objectives of the penal legislation. Where an offence is prevalent in Singapore, such prevalence is a relevant consideration in sentencing, as the court may have to "mete out a stiff sentence to show its disapproval and to deter like-minded offenders" (*Public Prosecutor v Law Aik Meng* [2007] 2 SLR(R) 814 ("*Law Aik Meng*") at [25(a)]). Such a rationale must apply equally to animal cruelty and welfare cases under the ABA.

24 Third, animals protected by the ABA arguably constitute a vulnerable class of victims. Such animals are vulnerable because of their inherent physiological limitations and the fact that they live in a world dominated and ordered by humans (see *eg*, Ani B Satz, "Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property" (2009) 16 Animal Law 65 at 79–80). They are capable of pain and suffering and yet, when illicit harm has been inflicted on them, they are unable to alert the authorities, avail themselves of legal recourse, or speak out for themselves. They live at the mercy of humans, who put them to use for human purposes (*eg*, as livestock, test subjects, or pets). Almost every aspect of their lives – where they live, the

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42 PWS at para 1.

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conditions in which they live, and even whether they should live – is dictated by humans. As Catherine Fraser CJ observed in *Reece v Edmonton (City)* (2011) 513 AR 199 at [88] (CA, Alta):

> They cannot talk – or at least in a language we can readily understand. They have no capacity to consent to what we do to them. Just as one measure of society is how it protects disadvantaged groups, so too another valid measure is how it chooses to treat the vulnerable animals that citizens own and control.

Although Fraser CJ's remarks were concerned with animals that are owned by people, they apply equally to stray animals and wildlife because such animals are equally powerless against cruel acts inflicted on them by human beings and are equally unable to remedy their plight or seek recourse for it. In fact, animals without owners may be even *more* vulnerable than those with owners, since they lack a custodian who can (or at least should) look after their welfare and protect them from abuse or mistreatment. Given the acute vulnerability faced by animals protected under the ABA, offences against them "create deep judicial disquiet and general deterrence must necessarily constitute an important consideration in the sentencing of perpetrators" (*Law Aik Meng* at [24(b)]).

25 Fourth, as the DJ recognised, animal cruelty and mistreatment offences are difficult to detect.[43] As Parliament explained during the debates leading to the 2014 ABA amendments (Singapore Parl Debates; Vol 92, Sitting No 17; Page 113; [4 November 2014] (Yeo Guat Kwang, Member of Parliament)):

> … some of the challenges that enforcement officers face in investigating animal welfare complaints include lack of evidence, tampering of evidence by the public, no witnesses, witnesses not willing to testify [*sic*], and lack of cooperation from witnesses and suspect[s]. There have been cases where a lack

[43] GD at [31], ROA at p 102.

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> of cooperation by suspected offenders have resulted in cases being dragged on for months or cases closed due to insufficient evidence. …

The difficulties in detecting animal cruelty and mistreatment offences mean that "general deterrence must play a significant part" in the punishment for such offences (*Law Aik Meng* at [25(d)]). When an offence is difficult to detect, it is less likely that it can be intercepted or punished. There is thus a greater need to rely on general deterrence to deal with such offences by modulating the behaviour of would-be offenders *before* they commit these offences.

26 The reasons I have canvassed point to deterrence playing a critical role in sentencing offenders for animal cruelty offences. Bearing this in mind, I now turn to assess the DJ's decision on sentence.

27 In my judgment, despite recognising that deterrence is a key sentencing consideration in this case, the DJ erred by giving it insufficient weight in arriving at the sentences for each of the offences. I consider the sentences imposed on the Respondent to be manifestly inadequate and incommensurate to the gravity of his offences. The sentences of four months' imprisonment (for each of the 1st and 2nd proceeded charges) and six months' imprisonment (for the 3rd proceeded charge) fell within the lowest tertile of the sentencing range for s 42(4)(*b*)(i) of the ABA, which carries a maximum imprisonment term of 18 months.

28 The DJ's overly lenient sentences would appear to stem from an undue dependence on unreported decisions by the lower courts. The DJ took explicit cognisance of four unreported cases.[44] He synthesised certain "broad

[44] GD at [35], ROA at p 103.

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considerations" based on these cases and homed in on *Fajar Ashraf* in particular, using it as a reference point (see [14] above). This was the wrong approach.

29 First, it is "well-established that unreported decisions are of limited precedential value" (*Toh Suat Leng Jennifer v Public Prosecutor* [2022] 5 SLR 1075 ("*Jennifer Toh*") at [51]). Such cases are often "bereft of crucial details concerning the facts and circumstances of the case" and "the lack of detailed reasoning behind the sentences imposed also undermines the utility of such cases as relevant comparators" (*Jennifer Toh* at [51]). Even if the charge sheets, sentencing submissions, and statement of facts for these unreported cases may be available,[45] these unreported cases are still inherently deficient as precedents because there is no insight into the judge's weighing of the facts and evidence, and their reasoning for the sentences imposed.

30 Second, the specific unreported cases that the DJ referenced should have been treated with caution because the sentences imposed in them clustered around the lower end of the sentencing range. Such a clustering, if it is not justified by strong similarities between the cases, is undesirable because "where Parliament has enacted a range of possible sentences, it is the duty of the court to ensure that the full spectrum is carefully explored in determining the appropriate sentence" (*Ong Chee Eng v Public Prosecutor* [2012] 3 SLR 776 at [24]). Undue reliance on cases that impose sentences at the lower end of the spectrum may lead to an undesirable "anchoring effect", which could "run the risk of promulgating a sentencing trend inconsistent with Parliament's stance

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45 ROA at pp 362–415.

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with respect to each particular offence" (*Tan Song Cheng v Public Prosecutor and another appeal* [2021] 5 SLR 789 at [26]).

31 The clustering of sentences in the unreported cases cited by the DJ is suspect because, based on what limited facts are available of them, the facts in those cases spanned a wide range of severity, and yet similar sentences were imposed in respect of them.

> *(a)* For instance, the offender in *Public Prosecutor v Chia Tian Xiang, Clement* (SC-901350-2021) ("*Clement Chia*")[46] was sentenced to four months' imprisonment for each of the four proceeded charges, when his actions did not result in permanent injury or death to the animal he abused. His aggregate sentence was eight months' imprisonment.
>
> *(b)* In contrast, the offender in *Public Prosecutor v Kok Zhin Oi Gerald* (SC-904071-2017)[47] faced four charges for abusing a dog until it died. On its face, the harm and suffering caused by his offending (*ie*, death) was much more severe than that in *Clement Chia*. Yet his most serious offence carried a sentence of ten weeks' imprisonment (less than the four months' imprisonment imposed per charge in *Clement Chia*). His aggregate sentence was only 12 weeks' imprisonment – less than half the aggregate sentence in *Clement Chia*.

32 Although the DJ was faced with a dearth of reported sentencing precedents from the High Court, he should nonetheless have been wary of the pitfalls of anchoring his decision on the sentences meted out in unreported

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[46] GD at [35], ROA at p 104.

[47] GD at [35], ROA at pp 104–105.

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Magistrate's Court cases, especially when they displayed an obvious clustering effect. Instead, he should have considered the severity of the offences based on the specific facts before him, and exercised his judgment to decide where they would lie on the spectrum of possible sentences.

33 Furthermore, he should have given more weight to *Yeo Poh Kwee*. *Yeo Poh Kwee (MC)* is a reported decision. "Generally speaking, where a relevant precedent with a reasoned decision is available, it ought to carry more weight than a relevant precedent without a reasoned decision" (*Keeping Mark John v Public Prosecutor* [2017] 5 SLR 627 at [18]). And while *Yeo Poh Kwee (HC)* is unreported, the DJ should have given it greater consideration than the other unreported cases he referred to, because it is a decision of the High Court that binds him, and also because its factual matrix is more apparent compared to the other unreported cases (since the facts were canvassed in *Yeo Poh Kwee (MC)*, which is reported). Had more weight been given to these cases, it would have been apparent that the sentences the DJ imposed in this case were manifestly inadequate.

34 The DJ did not give full weight to *Yeo Poh Kwee* because he thought that it was an "outlier" with "particularly egregious facts".[48] In *Yeo Poh Kwee*, the most serious charge involved the offender running down 19 floors of stairs at high speed while dragging along a small dog called Yoyi by the leash. Yoyi was knocked against the floor of the steps and swung against the wall, leaving gory blood stains on the walls and floor. It suffered multiple complete fractures, extensive injuries with internal bleeding to the brain, liver and other internal organs, and external bleeding to almost every part of the body. Yoyi eventually

48 GD at [36(d)], ROA at p 106.

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died of its injuries. In *Yeo Poh Kwee (MC)*, the DJ sentenced the offender to 18 months' imprisonment for this charge. This was reduced to 16 months' imprisonment on appeal in *Yeo Poh Kwee (HC)*.

35 The DJ was wrong to consider *Yeo Poh Kwee* to be an outlier that was starkly different from the present case. Although Yoyi's suffering in *Yeo Poh Kwee* was more prolonged than that of E3, E4, and E5 in this case, the Respondent's offences are nevertheless comparable to the abuse of Yoyi in *Yeo Poh Kwee*. This is because both cases involved the deliberate infliction of violence against domesticated animals that resulted in death or grievous and permanent injuries.

36 The offence against Yoyi in *Yeo Poh Kwee* and the Respondent's offences fell within the most serious category of offences under s 42 of the ABA and justified, as a starting point, a sentence on the higher end of the sentencing range. Section 42 of the ABA encompasses a wide variety of offending, all instances of which are considered animal cruelty.

(a) Some offences concern acts of mistreatment that do not cause bodily injury to animals (*eg*, terrifying or overloading an animal (s 42(1)(*a*))).

(b) Other offences concern acts that do not amount to direct acts of violence against animals (*eg*, rash or unreasonable omissions that cause an animal unnecessary pain or suffering (s 42(1)(*d*)) and permitting an animal unfit for a work of labour to be employed for such work (s 42(1)(*g*))).

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When viewed in the context of these myriad offences under s 42, deliberate acts of violence against animals which cause them bodily injury must fall on the more severe end of the spectrum of animal cruelty offences under s 42, and when such acts of violence cause an animal to suffer death or grievous injuries, they must be considered among the gravest of offences under s 42. The Respondent's offences and *Yeo Poh Kwee* thus fell within the same category of offending, as they both involved deliberate acts of violence against animals that caused them to suffer death or grievous injuries.

37 I now proceed to assess the sentence for each of the offences in turn.

1st and 2nd proceeded charges

38 I begin by considering the offence-specific factors of the 1st and 2nd proceeded charges. On this basis, a starting point of 16 months' imprisonment, which is close to the maximum sentence under s 42(4)(*b*)(i) of the ABA, is warranted for each of the charges.

39 First and foremost, the harm and suffering occasioned by the offences and the nature of offending were extremely grave.

(a) In both offences, the abused cats (E3 and E4) died from their injuries. The lives of two sentient creatures were extinguished in a violent and gruesome manner. The pain and suffering inflicted on E3, the cat killed in the 2nd proceeded charge, is particularly severe. It did not die after plummeting eight stories. It remained barely alive and severely injured until the Respondent returned to the ground floor and stomped it to death. Before succumbing to its injuries, E3 suffered "blunt-force type external [trauma] which had resulted in rib fractures,

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significant laceration, and contusion of the visceral organs", including its brain, liver, and lungs.[49] The harm and suffering inflicted on E3 and E4 thus fell within the higher end of the spectrum for offences under s 42 of the ABA.

(b) The Respondent's nature of offending was exceedingly grave. It is no exaggeration to say that it constitutes the quintessence of animal cruelty. As explained at [36] above, s 42 of the ABA covers a wide range of offending conduct, many of which fall short of direct violence against animals. The Respondent's offences, which involve inflicting violence against animals for his perverse pleasure, must be the gravest form of offending in this spectrum of conduct. His act of lethal violence was deliberate and methodical. He killed E3 and E4 for no reason other than to fulfil his sadistic desires. The pain and suffering he caused to them was not incidental to some other purpose. Inflicting pain and suffering on them was *the very point* of the Respondent's conduct.

(c) The gravity of the Respondent's crimes is also due, in part, to the fact that his victims were community cats. Despite being strays, these cats belong to a category of domesticated animals that have, for millennia, been treated as companions to humans. Deliberate acts of violence against animal companions like these strongly offend the moral and cultural sensitivities of the public in Singapore. The court may consider the degree to which social norms regarding the treatment of animals are violated by the Respondent's acts because the purpose of s 42 of the ABA is to "intervene when people indulge in acts which go

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[49] SOF at para 18, ROA at pp 14–15.

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against our social norms" and take action against acts committed against animals which "[offend] our social norms [and] our sensitivities as to what is appropriate in our culture" (Singapore Parl Debates; Vol 75, Sitting No 1; Col 121; [8 July 2002] (Vivian Balakrishnan, Minister of State for National Development)). It is thus coherent with the legislative purpose of s 42 of the ABA for sentencing courts to have regard for the extent to which social norms are violated, including by considering the type of animal being abused, the manner of abuse, and the offender's motivations. Taking all of these into account, the gravity of the Respondent's offences lies at the furthest end of the spectrum for offences covered by s 42 of the ABA.

40 Moreover, several aggravating factors in this case enhance the gravity of the Respondent's offending and increase his culpability.

41 First, the offences were premeditated. The Respondent did not chance upon the cats he killed. He specifically sought them out, targeting the Ang Mo Kio HDB estates because he knew that community cats roamed the area, giving him more "options to harm the cats when [he] was feeling angry" (see [5] above). As the court in *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 at [44(c)] noted, "the presence of planning and premeditation evinces a considered commitment towards law-breaking and therefore reflects greater criminality."

42 Second, the Respondent attempted to conceal the evidence of his offences. After killing E3, the Respondent hid its carcass under the carriage of a vehicle while he returned to his car to retrieve a trash bag, with which he would dispose of E3's carcass. However, the Respondent did not throw the trash bag

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into any of the dustbins in the vicinity of Block 645 (*ie*, the block where the Respondent killed E3). Instead, he placed the trash bag into his car and drove some distance away before throwing the trash bag into a dustbin near a bus stop. Similarly, after killing E4, the Respondent did not dispose of its carcass at the same place it was killed. Instead, he disposed of it at a different area. Attempts by an offender like these to conceal the evidence of their offence so as to thwart law enforcement efforts and avoid the consequences of their illicit actions are considered aggravating (*Public Prosecutor v Ahirrudin Al-Had bin Haji Arrifin* [2022] 5 SLR 407 at [65]).

43 The Respondent argues that the court cannot conclude that the reason he disposed of the carcasses in this manner was because he wanted to conceal his offences. He submits that the intentions behind his manner of disposal have not been proved beyond a reasonable doubt, and no inference should be drawn that he intended to conceal the carcasses, because such an inference is not irresistible.[50] I disagree with this submission. There is no other sensible explanation for the Respondent to take the trouble to hide E3's carcass under the vehicle when he went to retrieve the trash bags, if he was planning to return to the carcass straightaway. Similarly, apart from concealment, there is no reasonable explanation for the Respondent to drive all the way to the bus stop just to discard the trash bag containing E3's carcass, when he could just as easily have discarded it into any of the dustbins around Block 645. The Respondent's explanation that "it would only be natural to dispose of the harmed cats" because "it would be irresponsible to leave their carcasses out in public areas"[51] does not assist him. If disposal was his only concern, it would have been natural to

50 RWS at para 42.

51 Mitigation Plea dated 28 August 2024 at para 22, ROA at p 258.

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dispose of the carcasses into the dustbins around the respective blocks where he killed the cats. The fact that the Respondent could come up with no other reason for disposing the carcasses outside the estates where he killed the cats only goes to show that his intention to conceal the evidence is an irresistible inference.

44 The third aggravating factor is that the Respondent's TIC charges were animal cruelty offences that were similar to the 1st and 2nd proceeded charges. The TIC charges also involved the abuse of neighbourhood cats for the Respondent's sadistic pleasure. TIC charges like these, which are similar to the principal offences, typically carry aggravating weight (*Suventher Shanmugam v Public Prosecutor* [2017] 2 SLR 115 at [39]).

45 A starting point of 16 months' imprisonment based on these offence-specific factors is therefore warranted, as the offences were among "the worst type of cases" under s 42 of the ABA (*Public Prosecutor v Kwong Kok Hing* [2008] 2 SLR(R) 684 at [44]).

46 Next, I turn to consider the relevant offender-specific factors. The principal mitigating factor that the Respondent relies on is the fact that he was suffering from MDD when he committed the offences.[52] Dr George Joseph Fernandez (the Prosecution's psychiatric expert) and Dr Munidasa Winslow (the Respondent's psychiatric expert) agreed that the Respondent's MDD had a contributory link to the offences under the 1st and 2nd proceeded charges.[53] While this consensus made the Respondent's MDD a relevant factor to consider

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52 RWS at [44]–[52].

53 Dr George Joseph Fernandez's Report dated 21 May 2024 ("Dr Fernandez's 21 May 2024 Report"), ROA at p 338; Dr Munidasa Winslow's Report dated 17 December 2020 ("Dr Winslow's 17 December 2020 Report") at para 33, ROA at p 227.

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in sentencing, "the existence of a contributory link … between an offender's mental condition and his offence does not automatically translate into heavy or substantial mitigating weight being accorded to that mental condition" (*Public Prosecutor v Ong Eng Siew* [2025] SGHC 55 ("*Ong Eng Siew*") at [42]).

47 Instead, the nature and extent of the impact that a mental condition has on an offender's culpability should be closely scrutinised by the court. For instance, courts have given mitigating weight to an offender's mental condition where it affects the offender's ability to exercise self-control and restraint, and where it diminishes their ability to appreciate the nature and wrongfulness of their conduct (*Ong Eng Siew* at [33]; *Ho Mei Xia Hannah v Public Prosecutor and another matter* [2019] 5 SLR 978 ("*Hannah Ho*") at [40]). Conversely, an offender with a mental condition may retain their understanding of their actions and be able to reason and weigh their consequences, as well as undertake a sophisticated degree of planning and premeditation (*Public Prosecutor v Kong Peng Yee* [2018] 2 SLR 295 ("*Kong Peng Yee*") at [65]). In such cases, the offender's mental condition can only "ameliorate to a limited extent the criminal conduct because the offender's mind is still rational" (*Kong Peng Yee* at [65]). For such offenders, "deterrence and retribution should still feature" in their sentence because conditions like "depression, even if severe, cannot be a licence to kill or to harm others" (*Kong Peng Yee* at [65]).

48 In my judgment, the DJ erred in treating the Respondent's MDD as a "significant mitigating factor" for the 1st and 2nd proceeded charges.[54] This factor should be given little mitigating weight because it did not significantly reduce the Respondent's culpability.

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[54] GD at [42], ROA at p 109.

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(a) First, the Respondent's MDD did not deprive him of the ability to exercise self-control and restraint. Dr Fernandez stated in his report that the Respondent "did have the ability to control his impulses when he committed the offences".[55] Conversely, Dr Winslow opined that the Respondent "would have had better control of his impulses and judgment" if not for the "confluence of his mental health challenges", namely, MDD, Attention Deficit Hyperactivity Disorder ("ADHD"), and traits of a Cluster C Personality Disorder ("Cluster C traits").[56] The DJ rightly found that the Respondent's MDD "did not deprive him of the ability to control his actions".[57] Dr Fernandez's evidence on this point was preferable over Dr Winslow's evidence because the latter displayed internal inconsistencies that dampened its credibility. Dr Winslow initially stated that the "*combination*" of MDD, ADHD, and Cluster C traits had a contributory link to the Respondent's offending, and it was the "*confluence*" of these conditions that reduced his control over his impulses [emphasis added].[58] However, Dr Winslow then went back on this view in his supplementary report, saying that "the ADHD and Cluster C personality traits did not directly contribute to [the Respondent's] offending behaviour".[59] Dr Winslow's subsequent disavowal of the link between the Respondent's offending and his ADHD and Cluster C traits puts in doubt his initial opinion of how the "confluence" of all three mental conditions reduced the Respondent's

55 Dr Fernandez's 21 May 2024 Report, ROA at p 338.

56 Dr Winslow's 17 December 2020 Report at para 35, ROA at p 229.

57 GD at [44(b)], ROA at p 110.

58 Dr Winslow's 17 December 2020 Report at para 35, ROA at p 229.

59 Dr Munidasa Winslow's Supplementary Report dated 21 February 2023 at para 21, ROA at p 238.

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self-control. The evidence thus suggests that the Respondent could control his impulses, and the DJ was right to find as such.

(b) Second, the Respondent's MDD did not diminish his ability to appreciate the nature and wrongfulness of his conduct. He knew that dropping the cats from a height would cause serious injury or death, because he told Dr Winslow that his acts of dropping E3 and E4 from HDB flats were a "test run" for himself, as he was contemplating jumping from a height to inflict self-harm.[60] This suggests that he understood the injurious and possibly lethal consequences of his acts. He also understood the wrongfulness of his actions, as evidenced by his comment to Dr Winslow that after killing E3 and E4, he would "feel guilty about his actions, and [wish] it had not happened".[61] Furthermore, his attempts to conceal E3's and E4's carcasses also demonstrate his understanding that his actions were wrong, and that he could get into trouble if he was caught for killing the cats.

(c) Third, the Respondent's MDD did not substantially impair his rational processes, as the offences were premeditated. The Respondent specifically chose the Ang Mo Kio HDB estates to commit his offences because he knew that community cats roamed the area, giving him ample opportunities to find cats to abuse (see [5] above). This is evidence of planning and premeditation, which in turn suggests that the Respondent's faculties for reason and logical thinking were not impaired. Such a finding is also borne out by his decision to try and conceal E3's and E4's carcasses by disposing of them some distance

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60 Dr Winslow's 17 December 2020 Report at para 10, ROA at p 234.

61 Dr Winslow's 17 December 2020 Report at para 10, ROA at p 234.

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away from the blocks at which they were killed, to avoid detection.

49 For the reasons above, I disagree with the Respondent's submissions that his MDD impaired his ability to "make reasoned decisions or to control [his] impulses."[62] Since the Respondent's MDD did not affect his ability to exercise self-control or understand the nature and wrongfulness of his actions, the offences fell outside the categories of cases in which the courts have generally given substantial mitigating weight to an offender's mental condition (*Ong Eng Siew* at [33]; *Hannah Ho* at [40]). Additionally, since the Respondent retained his ability to reason and was capable of planning and premeditation, any mitigating weight given to his mental condition should be limited, and deterrence and retribution remain relevant sentencing considerations (*Kong Peng Yee* at [65]). I therefore apply a limited reduction of two months to the sentences for these charges, bringing them down to 14 months' imprisonment.

50 The other factor that warrants some downward adjustment in sentence is the Respondent's plea of guilt, but I shall address this at [60] below, after considering which sentences should run consecutively.

3rd proceeded charge

51 I now turn to address the sentence for the 3rd proceeded charge, and begin by addressing the harm caused by this offence.

52 Although the harm and suffering occasioned by this offence was not as high as that caused by the 1st and 2nd proceeded charges, it was still severe. E5 suffered grievous and permanent injuries because of the Respondent's abuse.

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62 RWS at para 51.

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The Respondent's violent act caused, among other injuries, a complete fracture and dislocation of one of E5's major limb bones.[63] E5's injuries required it to undergo multiple procedures and caused it to be hospitalised for 14 days.[64] E5 is expected to suffer long-term osteoarthritis in its elbow joint.[65]

53 Next, I turn to address the Respondent's culpability for this offence, which I find to be significant for the following reasons.

54 First, the Respondent's MDD is of no mitigating value for this offence. Dr Fernandez assessed that the Respondent's MDD was not a contributory factor for the 3rd proceeded charge.[66] In his view, the Respondent's abuse of E5 "was a behaviour of choice, and not linked to either … a depressive state, or a typical accompanying mood related behaviour".[67] Conversely, Dr Winslow thought that there was a contributory link between the Respondent's MDD and the offence. He opined that the Respondent's MDD was in partial remission, but was "sufficiently present to have recapitulated [the Respondent] back into that emotionally reactive and impulsive state" he was in when he killed E3 and E4.[68] Nevertheless, Dr Winslow agreed with Dr Fernandez that the Respondent's abuse of E5 was a "wilful and unwise choice", but qualified that it was "borne out of [*sic*] residual symptoms that were still persisting, albeit to a lesser

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63 SOF at para 27, ROA at p 16.

64 SOF at para 28, ROA at p 16.

65 SOF at para 30, ROA at p 17.

66 Dr Fernandez's 21 May 2024 Report, ROA at p 338.

67 Dr George Joseph Fernandez's Report dated 26 February 2024 at para 5, ROA at p 333.

68 Dr Winslow's 17 December 2020 Report at para 23, ROA at p 239.

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extent".[69] Based on this evidence, the DJ rightly held that "[t]he contributory link, if any, between [the Respondent's] MDD and the offence was unclear, and little or no mitigating weight should be accorded to the mental condition."[70] It was common ground between the experts that the Respondent's symptoms had abated at the time he abused E5, compared to the time he killed E3 and E4. Moreover, both experts agreed that his actions were "wilful", and he had *chosen* to abuse E5. In the absence of a clear causal link between the Respondent's MDD and the offence, no mitigating weight should be given to the MDD (*Public Prosecutor v Soo Cheow Wee and another appeal* [2024] 3 SLR 972 at [61]–[62]). Furthermore, taking the Respondent's case at its highest, his MDD only reverted him to the mental state he was in when he committed the offences under the 1st and 2nd charges, although this mental state only persisted "to a lesser extent".[71] Since I have held that the Respondent's MDD had little mitigating weight on his culpability for the 1st and 2nd proceeded charges (see [48]–[49] above), the mitigating weight of the MDD for the 3rd proceeded charge must be even lower, to the point of being negligible or non-existent.

55 The second aggravating factor is that the Respondent displayed a greater degree of premeditation for this offence compared to the 1st and 2nd proceeded charges. At the time he killed E3 and E4, the Respondent was unaware that he was suffering from MDD. However, he had insight into this mental condition by the time of the 3rd proceeded charge. He had been diagnosed with MDD by

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69 Dr Munidasa Winslow's Report dated 31 January 2024 ("Dr Winslow's 31 January 2024 report") at para 3, ROA at p 251.

70 GD at [49], ROA at p 113.

71 Dr Winslow's 17 December 2020 Report at para 23, ROA at p 239; Dr Winslow's 31 January 2024 Report at para 3, ROA at p 251.

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then,[72] and had received psychological treatment that "help[ed] him gain insight into, as well as manage the underlying sources of his depressed and irritable mood".[73] Despite knowing about his condition and how to manage it, the Respondent decided, on 27 December 2021, to take a special detour back to the place he had killed E4, to "test if he could control his urges to hurt cats".[74] The Respondent's decision to seek out avenues to reoffend, despite being equipped to manage his mental condition, evinces a greater degree of thoughtfulness behind his decision to offend, and therefore increases his culpability.

56 Third, the Respondent committed the offence while on bail for the 1st and 2nd proceeded charges. This is an aggravating factor because it indicates that the offender may not be genuinely remorseful, and warrants greater attention being placed on the need for specific deterrence (*Vasentha d/o Joseph v Public Prosecutor* [2015] 5 SLR 122 at [63]). This factor is particularly aggravating here, as the Respondent's reoffending evinces an obvious lack of remorse. He had returned to the very scene of his previous offence to see if he still had the desire to commit that same offence. He then gave in to that desire and sought out a cat to abuse, inflicting on it serious and permanent injuries.

57 Considering the harm and culpability present in this offence, a starting point of 16 months' imprisonment is appropriate. This starting point, which is the same as that for the 1st and 2nd proceeded charges, is warranted even though E5 did not die of its injuries, unlike E3 and E4. This is because the Respondent's culpability for the 3rd proceeded charge is significantly higher than his

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72 Dr George Joseph Fernandez's Report dated 14 June 2021 at para 39, ROA at p 143.

73 Dr Winslow's 17 December 2020 Report at para 11, ROA at p 235.

74 SOF at para 24, ROA at p 15.

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culpability for the 1st and 2nd proceeded charges, for the reasons canvassed at [54]–[56] above.

58 The only mitigating factor that warrants a downward adjustment in sentence is the Respondent's early plea of guilt. I will address this at [60] below.

Issue 2: The sentences to be run consecutively and the appropriate reduction in sentence for the Respondent's plea of guilt

59 The sentences for the 2nd and 3rd proceeded charges should run consecutively, resulting in an aggregate sentence of 30 months' imprisonment.

60 At this point, I turn to consider the appropriate reduction in sentence for the Respondent's plea of guilt. The Respondent elected to plead guilty at the first mention on 16 November 2022,[75] and eventually did so at the plead guilty mention on 15 October 2024.[76] Under the Sentencing Advisory Panel's Guidelines on Reduction in Sentences for Guilty Pleas ("PG Guidelines"), an indication to plead guilty at the first mention may warrant a reduction in sentence of up to 30%. However, in especially grave cases of offending, the sentencing considerations of deterrence and retribution should not be significantly displaced merely because of the offender's plea of guilt, and accordingly, they should not be accorded the full 30% reduction under the PG Guidelines (*Public Prosecutor v Foo Li Ping and another matter* [2025] 4 SLR 1 at [75]). Although the Respondent's early plea of guilt merits some consideration, his offences are among the gravest and most heinous cases of animal cruelty, and the sentencing considerations of general and specific

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75 RWS at para 53.

76 Prosecution's POA at para 1, ROA at p 29.

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deterrence should not be substantially displaced. Accordingly, I apply a limited reduction of 10% to the aggregate sentence, resulting in an aggregate sentence of 27 months' imprisonment. Solely for the purpose of reflecting this 10% reduction and to arrive at an aggregate sentence of 27 months' imprisonment, I adjust the sentence that I would have otherwise imposed for the 2nd proceeded charge downwards from 14 to 11 months' imprisonment. To avoid doubt, there will be no change to the sentence imposed for the 3rd proceeded charge or the combination of sentences which are to run consecutively.

61 Although this aggregate sentence is higher than the maximum sentence for an individual offence punishable under s 42(4)(*b*)(i) of the ABA, it is proportionate to the Respondent's criminality and coheres with the totality principle. The totality principle is not an inflexible rule. Where the offences committed are particularly grave, the court may impose an aggregate sentence that exceeds the statutory maximum sentence for the most serious individual offence. This was done in *Public Prosecutor v DAN* [2024] SGHC 250 ("*DAN*"), where the offences, which were "grave, horrific, and unprecedented in nature" (at [103]), attracted a total sentence of 34 years' imprisonment and 12 strokes of the cane (at [40]). This was higher than the maximum sentence of 20 years' imprisonment and caning prescribed in s 304(*a*)(ii) of the Penal Code (Cap 224, 2008 Rev Ed) for culpable homicide, the most serious of the offences in *DAN*. Similarly, the present case was among the worst cases of sustained animal cruelty, and the aggregate sentence of 27 months' imprisonment is proportionate to his criminality and takes into account the mitigating effect of his guilty plea. The sentence is also not crushing and is in keeping with the Respondent's records and prospects.

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Conclusion

62 In summary, I allow the Prosecution's appeal against sentence and dismiss the Respondent's appeal against sentence. The aggregate imprisonment term of 14 months imposed by the DJ is enhanced to an aggregate imprisonment term of 27 months.

63 I conclude by echoing the words of Mahatma Gandhi: "The greatness of a nation and its moral progress can be judged by the way its animals are treated." The court's decision today gives voice to the law's duty to defend the voiceless and sends a clear message – animal cruelty has no place in a just and humane society and will be met with the full force of the law.

Vincent Hoong
Judge of the High Court

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