

the van, which was parked not far off and also had turned the headlights on. Mr. Planagan and the 1st accused then went up the van and the van moved off. At 2030 hours, the 1st accused came back, met me in front of the hotel and told me to prepare the payment. I told the 1st accused that I would ask Mr. Gerdlestone to bring him the money. Then Mr. Gerdlestone brought the money from the room and met the 1st accused and me at 2045 hours. The 1st accused took Mr. Gerdlestone and me to the footpath. In the mean time, a woman came in. The 1st accused introduced her. Her name was Nipa, who appears in the courtroom. The witness points at the 3rd accused in the courtroom. The 3rd accused told me to follow her with the money. She waved her hand to summon a small bus. The small bus went further about a half kilometre. On the small bus, Mr. Gerdlestone let the 3rd accused see the money. Every body got off the bus near a theatre. After we got off the bus, Mr. Gerdlestone and I waited near the phone kiosk, then the 1st accused and the 3rd accused walked away. A few minutes later, they came back. In the mean time, a van came in and parked near me. I saw Mr. Planagan, the 1st accused and two women, i.e., the 3rd accused and the 4th accused, sat in the van. The witness points at the 4th accused in the courtroom. I asked

Mr. Planagan whether he had seen the heroin. Mr. Planagan said that he had not and that the heroin was on another motorcycle. The 3rd accused then called Mr. Gerdlestone and me to get on the van but I refused to do so. The van moved off. Mr. Gerdlestone and I, however, walked along the van. After a short distance, Mr. Planagan came back. While we were talking, I saw the 4th accused driving the motorcycle coming around and gave a signal. I shouted to Mr. Gerdlestone to tell the Thai police to move in. At the same time, I identified myself as a policeman to those who stayed on the van. The 2nd accused, sitting at the rear of the van, got up and was immediately grabbed by Mr. Planagan. They had a fight. The 3rd accused, sitting at the rear of the van, got up and grabbed Mr. Planagan at his back. I drew the 3rd accused out of the van and detained him. Meanwhile, the 4th accused, sitting in the front of the van, drove the van away. As to the 1st accused, I saw Mr. Gerdlestone ran after him and finally arrested him. As for Mr. Planagan and the 2nd accused, they were still fighting. I saw the van moved straight and then turned right. The time then was 2120 hours. I lately saw a bundle of some thing, which I had first seen and had later been told by Mr. Planagan that it was heroin, was in the hands of the 2nd accused. After the van moved out, I heard

Mr. Gerdlestone shouted that someone had fallen off the van. I understood that it was Mr. Planagan. The incident occurred very fast. I saw the Thai police come in and arrested the 1st accused and the 3rd accused. Mr. Gerdlestone, along with me, ran towards the place where Mr. Planagan fell off the van.

Pol. Lt. Col. Amaresrit took Mr. Planagan to hospital. Mr. Gerdlestone and I also followed them to the hospital. Mr. Planagan later died.

I have no difference to the 6 accused.

Answer to examinations of the lawyers for the 1st, 2nd, 3rd,
5th and 6th accused

I first met the 1st accused in 2530 (1987) in Vancouver by an introduction of a man. In the said meeting, the 1st accused offered to sell heroin to me. He said that the heroin would be imported from Thailand.

I have never been in Thailand before 16th February 2532 (1989). The reason why I came to Thailand was because I wanted to follow and arrest him. In travelling to Thailand of the 1st accused, I did not support him financially. I was told by Mr. Gerdlestone that he had picked up a purse of the 1st accused.

On 18th February 2532 (1989), Mr.Dop and Daeng, a Thai man, were sitting in the Ruan Kum restaurant whilst Mr.Planagan, the 1st accused, the 5th accused and I went to the house outside the city.

On 19th February 2532 (1989), I can, a hundred percent, confirm that the woman who drove the motorcycle surely was the 4th accused. She also was the one who got up the van at its rear. Before this, I had never seen her. Whilst the 4th accused drove the motorcycle in, there were only Mr.Planagan and me. At that time, it was 2115 hours. I can not recall how the 4th accused was dressed but I felt that his shirt was darkish. The place where Mr.Planagan and I stood was somewhere outside the market of the city of Chiang Mai. The 4th accused drove the motorcycle to park nearby me.

I went to the place where the incident occurred only once.

Mr.Planagan was 6 feet 2 inches tall.

When making the arrest, I saw only the 1st accused and the 3rd accused. I did not see other accused, but was informed later.

Before making the arrest, the Thai police could not be contacted with.

The 1st accused and the 3rd accused were arrested before Mr. Planagan fell from the van. At that time, I saw the Thai police arresting the 1st accused and the 3rd accused only. After that, Mr. Planagan was taken to the hospital. The money lost in the entrapment was only 100 US dollars since it was handed to a Thai man, whom I do not know, at the restaurant for examining whether it was real or not.

Answer to examinations of the lawyer for the 4th accused

I could see the registration plate number of the van.

On the day when the incident occurred, I went out the hotel alone but there was Thai police to protect me.

I could say that the distance from the Royal Orchid hotel to the theatre that I referred to was half a kilometre.

Whilst I was standing nearby a telephone kiosk, I was waiting for the coming of Mr. Planagan and the van. I had been there for 1 to 2 minutes. I could not recall what the colour of the phone kiosk was. Nor could I recall what time it was then. It was already dark but there was a light. Whilst I was waiting, I did not know whether the movie ended or not. I guessed that if I had stood at the phone kiosk, I could have seen Mr. Planagan falling from the van.

The said van was a Japanese made one but what its trade-name was, I could not recall. I understood that it was a Nissan, but whether there were Japanese words posted on it or not, I could not recall either.

Whilst I was standing nearby the phone kiosk, I saw Mr. Planagan coming with the van sitting in the front of it. But which side he sat on, I could not recall. What the colour of the van was, I could not recall. I was not certain whether it was grey or navy-blue. Whether there was a light inside the van or not, I could not recall. Whether the glasses of the van were dark or not, I could not recall.

In the night the incident occurred, Mr. Planagan wore a shirt with buttons in front, but what was its colour, I could recall not exactly. Before going out to make the deal, Mr. Planagan had changed his shirt once.

Mr. Gerdlestone was the one who shouted to the Thai police, called them to come in. As for me, I identified myself as a police officer.

Whilst I saw the 4th accused in the van, the van was parking near me. I stood at the right side of the van.

Whilst the 4th accused was driving the motorcycle in, whether she wore trousers or skirt, I did not know. As I saw her, she had a hair style as seen in this courtroom. What a

trade-name of the motorcycle driven by the 4th accused was,
I do not know.

Answer to the cross-examination of the Public Prosecutor

The reason why I could see the motorcycle and the van
was that there was a light outside.

I could clearly see the van from several sources of the light.
I saw the motorcycle while being in the isolated soi with little
light but I could see it from the motorcycle that was parked
nearby me and other sources of light that came through.
The woman who drove the motorcycle was the 4th accused.
She drove it to park nearby me.

/ Already read.

(Signed)

(Signed)

(Judge Viboolya Me-asa)

(Judge

Visal Viengtalchantra) Recorder- Reader

(Signed)

Rubin Bennette

the witness.

(Signed)

(Illegible)

the public prosecutor.

(Signed)

Prapas, Chankaew, Pimpan, Nipa, Santi,

Oliver

the 1st – 6th accused.