

Witness saw Philip ‘touching UN finalist’

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KOTA KINABALU: A witness testified that he clearly saw a technical head for 2021 State Unduk Ngadau (UN) competition charged with four counts of molesting one of the UN finalists, “touched” the finalist during a photograph session. Dane Leanard Kovacs, 34, who testified as the second witness before Magistrate Stephanie Sherron Abbie, in the trial of Philip Among, 52, said he saw Philip had touched the UN finalist’s shoulder, neck, back, waist and leg. According to Dane, during the photograph sessions there was no instruction by Philip to the alleged victim on how to place herself during the sessions but directly touched her on the said areas.

He told the court that it was not necessary for Philip to touch the alleged victim during the photograph sessions as he (Dane) was the photographer and no need for him to touch the alleged victim but can ask whether the pose was okay or not. Dane further testified that the alleged victim looked nervous and shy during the photo session. He also informed the court that after Philip touched the alleged victim, he saw her showing signs of discomfort. Dane further said that he did not hear Philip ask permission from the alleged victim when he touched her during the photo session.

To a question from Deputy Public Prosecutor (DPP) Rozana Abdul Hadi who together with DPP Siti Hajar Mazlan conducted the trial, Dane said when he saw Philip had touched the UN finalist, he felt uncomfortable as well but he ignored it as, he said, it was an ongoing pattern of behaviour. Phillip faces four counts of molesting the 22-year-old UN contestant on May 19, 2021 at 2pm, 3.30pm, 9.45pm and 10pm, respectively at a staircase next to Ever Best Photo in Asia City, in Studio Darvel Bay Borneo Holidays Sdn Bhd in Asia City, in a moving vehicle while on the way from a dinner place to an old office in the city and in an office in Metro Town. He was charged under Section 354 of the Penal Code which provides for a jail term of up to 10 years, or with fine or with whipping or with any two of such punishments, on conviction. During the hearing, Dane also informed the court that Philip had

appointed him in the last minute to be the photographer for the photo session with the alleged victim. He further said that there were several staff during the photograph session which took about two to three hours. Dane further told the court that the alleged victim was the model in the photograph session running for the UN and there was no other UN contestants during the photo session on May 19, 2021.

According to Dane, Philip was at the photograph sessions since the very beginning. Dane who told the court that he worked with Darvel Bay Borneo Holiday Sdn Bhd from March to May 2021, after the photograph session had completed, packed his things and left as it was already dark. He also informed the court that during the photograph session, they also celebrated the birthday of the alleged victim. To a question, Dane said he never met the alleged victim after the photograph sessions but only saw her during the identification in court. During cross-examination by counsel Abdul Fikry Jaafar Abdullah who defended Philip, Dane had agreed that the alleged victim did not cry or shout for help during the photograph session on May 19, 2021.

Dane answered he did not know how many persons were at the alleged victim's birthday celebration and she never made any attempt to run away. He agreed with Abdul Fikry that when the alleged victim lodged a police report, he still worked with the Darvel Bay Borneo Holiday Sdn Bhd until the end of May 2021. Dane said he did not know that Philip and the alleged victim went together for shopping at Imago after the photo session. He disagreed that the alleged victim willingly followed Philip to enter Philip's office on May 19, 2021. Dane agreed that on April 14 this year he had posted remarks on the Facebook page under the name of "Orang Putih Kita" that he felt upset seeing the alleged victim experienced breakdown and cried in court. During the proceedings, Abdul Fikry had informed the court that the publication pertaining to the case on the Facebook page by Dane, has portrayed to the public that Philip was found guilty to the offence, resulting in Philip facing public contempt. Abdul Fikry also informed the court that the witness had also posted that "Selama ini saya diam, saya menunggu itu proses mahkamah, tidak tau kenapa ini kes sudah delay begini lama tapi akhirnya mula berjalan (All this time I have been silent, I am waiting for the court process, I don't know why this case has been delayed for so long but it finally begin.)"

"As a result of this remark, some netizens blamed the court and prosecution in the comment section for the delay. In view of this, we ask this court to issue a stern reminder to this witness not to post about this case until the court dispose of the case," said Abdul Fikry. Stephanie then reminded Dane to not post anything on social media until the case wrapped up. She said this was not only a reminder for Dane but to all parties, especially witness in the related case. Phillip, had on June 10, 2021, claimed trial to the charges. The trial started on April 12 this year and so far the prosecution had called two witnesses and six more have yet to testify. The court set Nov 17 for the continuation of trial.