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Man fails to overturn drug conviction as court bins appeal

SIBU: A man serving 14 years in prison for possessing methamphetamine failed yesterday to overturn his conviction after the High Court dismissed his appeal for not complying with directives from the court.

Judicial Commissioner Alvin Leong dismissed Ashley Macedon Jepit's appeal and upheld the Sessions Court's sentence of 14 years' imprisonment and 12 strokes of the cane.

The court ruled that the appellant had failed to file revised written submissions within the previously set deadline, despite being directed to do so following an earlier ruling on the prosecution's preliminary objection.

The defence had been given until July 20 to submit revised arguments confined to the specific grounds stated in the original Petition of Appeal.

However, no further submissions were filed.

"The appellant has failed to prosecute his appeal with due diligence and I will dismiss this appeal," Judicial Commissioner Leong ruled.

During the hearing, defence counsel Reena Chong, who appeared on behalf of lead counsel Rosli Gapor, informed the court that no additional submissions had been filed and sought further directions.

Deputy public prosecutor Mark Kenneth Netto maintained that the appeal should be dismissed, noting that the defence had also not sought leave to amend its Petition of Appeal.

The prosecution had earlier objected to the defence introducing arguments beyond the three general grounds contained in the original petition filed on Dec 15, 2025.

Those grounds challenged the trial court's assessment of the evidence, alleged failure to address a material gap and rejection of the defence as a bare denial.

However, subsequent defence submissions raised additional issues concerning the drug weight, chemist's evidence, statutory presumptions, witness inconsistencies, and the involvement of an individual identified as Dimus.

The DPP had argued that Section 307(6) of the Criminal Procedure Code restricted the appellant to the particulars set out in the Petition of Appeal, and that allowing new grounds would unfairly prejudice the prosecution.

Ashley was convicted under Section 12(2) of the Dangerous Drugs Act 1952, punishable under Section 39A(2) of the same Act, read together with Section 34 of the Penal Code.

The offence took place at about 7.40pm on Feb 27, 2023 at a car park behind a hotel along Jalan Ding Lik Kong/Jalan Pahlawan here, where he was found in possession of 39.71 grammes of methamphetamine.

The 14-year jail term was ordered to run from the date of his arrest.