

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN.

IND. # 3/89

REGINA V. PETULA IWINN

Mr. Sheehan for Crown.
Mr. Phipps and Mr. Folsack for accused.

RULING

The manner in which it is alleged that the accused perpetrated theft is that, she being responsible for selling airline tickets, would extract the airlines copies of tickets which she had sold for cash, destroy those copies and take the cash equivalent of the tickets. It is said she did this in respect of four tickets which she had sold at the City Ticket Office of Cayman Airways (which represents the first count) and in respect of about 30 tickets which she sold at the Airport Sales Office (which represents the second count). Each extraction of cash represents a separate theft. This is not a situation where the very nature of the theft makes it impossible to determine that any particular amount was taken on any particular day. It may be that the nature of the accounting makes it difficult for the prosecution to prove every one of the alleged incidents of theft, but that does not alter the individual nature of the accused's actions.

The accused was not to account for a number of cash transactions at the end of a given period having extracted from the balance due a proportion of the cash to be accounted for. This is not a general deficiency situation. Each act of taking the cash equivalent of a ticket or tickets at any given time constituted a separate theft.

Accordingly I consider the two counts in the indictment to be bad for duplicity and I quash the indictment.

The accused is discharged.


Schofield J.

5th June, 1989