

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN
BEFORE THE HONOURABLE SIR JOHN SUMMERFIELD CBE QC JP
CHIEF JUSTICE

THE 8TH DAY OF FEBRUARY 1985

Case No. 1347/84

Appeal No. 47/84

BETWEEN : MARIO WOODWARD **MATUS** : APPELLANT
AND : REGINA : RESPONDENT

Mr. W. W. Connolly for appellant
Mr. A. Smellie for respondent

JUDGMENT

This is an appeal against conviction for theft of an indeterminate sum of money from the washing machines of a laundrymat.

From admissions made by the appellant to a Constable the learned

Magistrate found that:

1. the appellant went to the laundrymat on the day in question;
2. he put four quarters in each of the three machines there;
3. he was at all material times alone in the laundrymat;
4. he left immediately before the arrival of a Miss Barnes.

In accepting the evidence of Miss Barnes the learned Magistrate further found that:

5. the machines completed their wash half an hour before she went into the laundrymat;
6. on doing so she found the machines had no money in them.

He went on to reason:

"I drew the reasonable (inference) that during the half hour that

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"elapsed between the end of the wash and his departure from the laundry mat the accused emptied the machines not only of the clothes which he had in them, but of the money they contained, the property of Burns Ruddy."

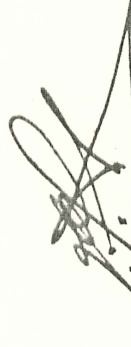
Miss Barnes also said in evidence that the appellant was the only person who went into the laundry at the relevant time. Although she watered that down somewhat later and said that she could not discount the possibility of someone approaching from the sea who she would not see or hear from her kitchen, the fact remains that the appellant made clear in his admission that nobody came while he was in the laundry. She further related an incident shortly before the appellant used the machines. She said she followed the appellant to the laundrymat and saw him bending over one of the machines looking in the key hole. This was before he used the machine. He gave an excuse for doing so which Miss Barnes discounted. There would appear to be no reasonable explanation for that action because he then went away (according to him to change some money to use in the machines) and returned. On his return he used all three of them.

The learned Magistrate was entitled to reject the explanation given by the appellant.

It was submitted that the evidence did not justify a conclusion that the seven dollars seen in the machines the day before were still there. That may be so but the appellant himself admitted putting a dollar's worth of coins into each machine. Having done that that money passed to the ownership of the owner. It was sufficient for the purpose of the charge to prove that he stole the money he himself put in the machines.

Taking all the circumstances into account I am of the opinion that the learned Magistrate was justified in drawing the inference he did and that there are insufficient grounds for my intervention.

Accordingly, the appeal is dismissed.



Sir John Summerfield