

## ANNEX 6

### EFFECT OF THE BREAK IN CHAIN OF CUSTODY

\*Items in red denote items affected by the break in chain of custody

\*Items in black denote items not affected by the break in chain of custody

\*Items in yellow highlight denote items which were affected by “poor quality” photographs

Legend: 1<sup>st</sup> Charge – LML    2<sup>nd</sup> Charge – Karl    3<sup>rd</sup> Charge – May    4<sup>th</sup> Charge – Heather

**TABLE A: Items in the possession of LML, May and Heather**

	Item	Seized from	Ms Liyani’s account		HCt’s findings
			Statements	Trial	
<b>1<sup>st</sup> Charge – Items in the possession of Liew Mun Leong (“LML”)</b>					
1.	Pioneer DVD player valued at \$1,000	49 CL	NLP told her to dispose of it; Ms Liyani wanted to bring it back to Indonesia to fix it. <sup>1</sup>	Found this while cleaning May’s room and NLP wanted to discard it. NLP agreed to give this to her when she asked for it. She kept it under her bed and had no intention of bringing it back to Indonesia.  In EIC, she said that she did not know why the two DVD players were in her box (the other being a Philips DVD player belonging to Karl).	HCt found it likely that Ms Liyani’s employers no longer wanted the Pioneer DVD player as it was partially spoilt, and Ms Liyani intended to bring it back to Indonesia to fix it.

<sup>1</sup> Inconsistencies in Ms Liyani’s accounts are not reflected here – please refer to [Annex 4](#).

	Item	Seized from	Ms Liyani's account		HCT's findings
			Statements	Trial	
2.	Brown 'Longchamp' bag valued at \$200	Ms Liyani	Found the two bags in a luggage bag / abandoned suitcase near 49 CL.	Found the two bags in a big bag near the rubbish bin at 49D Chancery Lane.	LML could not specifically identify this bag as one of the Longchamp bags that had gone missing.  Trial Judge did not consider Ms Liyani's evidence that she carried the brown Longchamp bag on the day of her dismissal.
3.	Blue 'Longchamp' bag valued at \$200			She carried the brown Longchamp bag as she left 49 CL on the day of her termination.	
<b>3<sup>rd</sup> Charge – Items in the possession of May Liew ("May")</b>					
4.	One leather 'Vacheron Constantin' watch with unknown value	49 CL	2 <sup>nd</sup> statement: Gift from Dya/Diah  vs	Picked up watch from May's rubbish bin in her room in 2011/2012.	There was "more than a reasonable doubt" as to whether May had discarded the two watches which were counterfeit (one of them, the Vacheron Constantin, was not working).
5.	One white-coloured 'Swatch' watch with orange-coloured design valued at \$75	49 CL	5 <sup>th</sup> statement: Picked up from May's trash	Cannot remember if she found this in May's or LML's trash.  Explained that she said it was a gift from Diah in her statement as the photo was "blurry" and did not recognise the items clearly.	
6.	One silver-coloured ring with blue shiny stones valued at \$150	49 CL	2 <sup>nd</sup> statement: Kept this after May told her to throw this away.	Found in May's rubbish bin.	The Judge found that the Prosecution did not prove beyond a reasonable doubt that May had not discarded the rest of the assorted jewellery and fashion accessories.
7.	One pair of silver-coloured earrings with white opaque stones valued at \$150	49 CL	2 <sup>nd</sup> statement: Kept this after May told her to throw this away	Found in May's trash.	

	Item	Seized from	Ms Liyani's account		HCt's findings
			Statements	Trial	
			vs  5 <sup>th</sup> statement: Found in May's trash.		
8.	One yellow-coloured earring with one white opaque ball valued at \$75	49 CL	5 <sup>th</sup> statement: Bought this from Lucky Plaza.	Found in May's trash.	
9.	An assortment of fashion accessories valued at \$400	49 CL	2 <sup>nd</sup> statement: May asked her to throw these away  vs  5 <sup>th</sup> statement: Picked up from May's trash	Purchased the pearl hook earrings (P1-33) from Taka Jewellery and the single earring (P1-38) from Lucky Plaza (which was originally in a pair).  Found the rest of the items in May's trash.	The Judge preferred Ms Liyani's evidence that she had purchased the pearl hook earrings (P1-33) and the single earring (P1-38), which was originally in a pair and these items did not belong to May, contrary to what May had claimed.  Prosecution did not prove beyond a reasonable doubt that May had not discarded the rest of the assorted jewellery and fashion accessories.
10.	One pair of black Gucci sunglasses valued at \$250	49 CL	2 <sup>nd</sup> statement: Given to her by previous maid who said she did not want to bring the sunglasses back.  vs  5 <sup>th</sup> statement: Found it in the cupboard of her room	Found it in the cupboard of her room when she started working in 49 CL. Does not know who it belongs to.  Did not intend to bring it back to Indonesia, but packed it in a rush.	The Judge found that she had inadvertently packed this into her luggage, because she was in a rush: GD at [195]  The break in the chain of custody of evidence also rendered the conviction unsafe.

	Item	Seized from	Ms Liyani's account		HCT's findings
			Statements	Trial	
			when she started working at 49 CL.		<p><i>*This was not packed into her luggage, but was seized from one of the boxes at 49 CL.</i></p> <p><i>**There can be no break in the chain of custody because she packed it in herself.</i></p>
<b>4<sup>th</sup> Charge – Items in the possession of Heather Lim (“Heather”)</b>					
11.	One purple-coloured ‘Prada’ bag valued at \$1,000	Ms Liyani	5 <sup>th</sup> statement: Found this in abandoned suitcase near rubbish area outside 49D CL.	Retrieved from Karl and Heather’s trash when they moved to 39 CL.	The Prosecution had not proved beyond a reasonable doubt that Heather had not in fact discarded the Prada bag with frays at the edges and the Gucci sunglasses with red stains together with a lot of other trash when Karl and Heather were moving house.
12.	One pair of black-coloured ‘Gucci’ sunglasses with red stains valued at \$500		5 <sup>th</sup> statement: Found in Karl’s trash bags when he moved house.	Retrieved from Karl and Heather’s trash when they moved to 39 CL.	

Note:  
The table above does not include a black Gucci wallet and a black Braun Buffel wallet which were removed from the 2<sup>nd</sup> charge by the Trial Judge. These were items seized from Ms Liyani and are similarly not affected by the break in chain of custody.

**TABLE B: Items in the possession of Karl**

S/n	Item	Seized from	Ms Liyani's account		HCt's findings
			Statements	Trial	
<b>2<sup>nd</sup> Charge – Items in the possession of Karl Liew (“Karl”)</b>					
13.	120 pieces of clothing valued at \$150 each	39 CL	<p>Admits to taking 10-15 pieces of men’s clothing without informing LML/NLP.</p> <p>Unsure why so many men’s clothes were found in the 3 boxes. Claims that there were men’s clothes near the washing machine, which she pulled down onto the floor. Possible that the drivers, in helping pack items into the boxes, had accidentally packed those clothes into the 3 boxes. She did not check the 3 boxes before they were sealed.</p>	<p>In relation to the 10-15 items of clothing she took, she explained that NLP had given her permission to take those clothes in 2015, but she had not received permission to pack those items into the boxes.</p> <p>She stated that NLP had given her permission to take the clothes <i>if Karl did not want the clothes</i>, then said that she did not check with Karl as to whether he wanted the 10-15 items of clothing before taking them.</p> <p>Some of the clothes were from the black bag that Karl had given his previous maid Jane, which Ms Liyani did not pack into the boxes.</p>	<p>Serious risk of contamination between the clothing in the black bag, and the items in the box.</p> <p>No way of ascertaining which of the 115 pieces of clothing had been originally packed into the boxes, and which came from the black bag.</p> <p>The presence of a “rag” supported the defence that items in the black bag had been packed into the boxes.</p> <p>HCt did not address Ms Liyani’s admissions to taking 10-15 pieces of clothing in her statements.</p>

S/n	Item	Seized from	Ms Liyani's account		HCt's findings
			Statements	Trial	
				<p>Does not know how the following items got into the boxes.</p> <p>(See: ROP at pp 1761-1765; photos P1A-6, P1A-8 to P1A-10 at pp 2836 to 2838)</p> <p>21/120 – light blue t-shirt used as a rag</p> <p>75/120 – grey item</p> <p>80/120 – black trousers</p> <p>85/120</p> <p>92/120 – black coat</p> <p>95/120 – black item (“not clear”)</p> <p>96/120</p>	
14.	One blanket valued at \$500	39 CL	2 <sup>nd</sup> statement: Bought blanket from second-hand shop	May gave her the blanket and she does not know who (i.e. whether Robin or Ismail) put it in the 3 boxes.	The Judge rejected Karl's uncorroborated evidence that these items were in his possession. May's claim that she had not given these items to Ms Liyani may not have been objective as her credibility was tainted by Karl and LML's “improper motive”.
15.	Three bedsheets valued at \$100 each	39 CL	<p>2<sup>nd</sup> statement: Bought one bedsheets/ duvet cover from Ikea.</p> <p>5<sup>th</sup> statement: Found a blue bedsheets in her room when she started working for LML.</p>	<p>Bought one bedsheets from Ikea. Received/retrieved other two bedsheets from May who wanted to discard them.</p> <p>Similarly, does not know who (i.e. whether Robin or Ismail) put it in the 3 boxes.</p>	

S/n	Item	Seized from	Ms Liyani's account		HCt's findings
			Statements	Trial	
16.	One Philips DVD player worth \$150	39 CL	1 <sup>st</sup> statement: Placed outside the house to be thrown away. Took it and planned to bring it back to Indonesia to have it fixed. Told NLP that she will be taking it.	NLP allowed her to use the player (and a TV) in her room during her employment in 2010. She used the DVD player and the TV in her room every day. She did not intend to bring the DVD player back to Indonesia, and left it below the network box.  In EIC, she said that she did not know why the two DVD players were in her box (the other being the Pioneer DVD player belonging to LML).	Prosecution had not proven beyond a reasonable doubt that Ms Liyani had packed the player in the boxes, given the chain of custody issue, and the "improper motive" on the part of LML and Karl.  There was a reasonable probability that it was "simply added" to the list of stolen items.
17.	An assortment of kitchenware and utensils valued at \$300	39 CL	5 <sup>th</sup> statement: Bought items from second-hand shop/	Bought items from second-hand store, cash converter and NTUC Fairprice.	Prosecution failed to prove that items were in Karl's possession on the basis of Karl's uncorroborated testimony alone.
18.	'Helix' watch valued at \$50	Ms Liyani	5 <sup>th</sup> statement: Found in the cupboard of her room when she started working.	Found in Karl's rubbish bin before renovations to 49 CL. Denied giving the answer in her statement, claimed she meant to refer to the Gucci sunglasses.	Karl said the watch was "ugly" and could not recall if he had thrown it away.
19.	'Gerald Genta' watch valued at \$25,000	Ms Liyani	5 <sup>th</sup> statement: Found in the trash bags when Karl was moving house.	Found in trash bags outside 49 CL the day after Karl moved house.	HCt did not believe Karl's evidence that he would not have thrown it away.

S/n	Item	Seized from	Ms Liyani's account		HCT's findings
			Statements	Trial	
20.	Two white-coloured 'iPhone 4' mobile phones with accessories valued at \$2,056	Ms Liyani	5 <sup>th</sup> statement: Found in the trash bags when Karl was moving house.	Found in trash bags outside 49 CL the day after Karl moved house.	No clear evidence that these phones belonged to Karl/Heather. Phones were outdated by 6 years at the time of the offences; more likely that she found them in the trash instead of stealing them.