

ANNEX 7

TABLE OF ITEMS – EVIDENCE THAT EMERGED DURING THE TRIAL

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

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

S/n	Item	Seized from	Trial			Trial Court's Findings	High Court's Findings	
			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court			Inconsistencies in Prosecution Witnesses' testimony
1st Charge – Items in the possession of Liew Mun Leong (“LML”)								
1	Pioneer DVD player valued at \$1,000	49 CL	<p><u>EIC</u>: The DVD player was in May's room. During the cleaning of May's room in 2012 or 2013, NLP wanted to throw it away. Ms Liyani asked for the DVD player and NLP agreed. Ms Liyani intended to bring it back to Indonesia to fix it. On 28 October 2016, had left the DVD player under her bed. Had no intention of bringing it to Indonesia with her.</p> <p><u>Cross-Ex</u>: Ms Liyani kept the DVD player without knowing what was wrong with it. She assumed it could be repaired in Indonesia and kept it under her bed. She asked NLP for permission to take the DVD player which was placed outside of the house, and NLP said it was up to Ms Liyani to do so. After the Prosecution's demonstration in Court, Ms Liyani stated that she “realised” at that point that “the DVD player is working”.</p>	<p><u>Whether she informed anyone that she would take the DVD player</u>: Told NLP (testimony and 1st statement) vs did not tell anyone (2nd statement).</p> <p><u>Whether she intended to bring the DVD player back to Indonesia on 28 Oct 2016</u>: Testified that she had no such intention (<i>i.e.</i>, it was packed in without her knowledge) vs said she had packed the DVD player in herself (2nd statement).</p>	<p><u>LML</u>: He did not give away or discard the DVD player. Estimated value of \$1,000. It was possible that the DVD player was not working as well, and a non-working DVD player was of no use to him.</p> <p>It was put to LML that NLP wanted to throw the player away as it was not working. LML said this was possible, but he did not know about this.</p> <p><u>NLP</u>: It was put to NLP that the DVD player had stopped working, and she had told Ms Liyani to throw it away.</p> <p>NLP disagreed, stating that the DVD player did not break down, and she had never given it to Ms Liyani.</p>	None.	<p>“Crux of the issue” was whether Ms Liyani had taken the DVD player without permission, not whether it was spoilt.</p> <p>LML and NLP stated that they did not give the player to Ms Liyani. Ms Liyani had also admitted this in her statement.</p>	<p>Whether the player was spoilt was “crucially relevant”. If it was spoilt, that would lend credibility to Ms Liyani's defence that NLP had given the player to her, and told her to throw it away.</p> <p>It was agreed on appeal that the DVD player was partially functioning, in that it could not play DVDs, although it could play a recorded clip from the hard drive of the DVD player. LML also conceded that it was possible that the DVD player was not working and would be of little use to him.</p> <p>Thus, it was likely that the Liew no longer wanted it as it was partially spoilt, and Ms Liyani intended to bring it back to Indonesia to fix it.</p>
2	Brown Longchamp bag valued at \$200	Ms Liyani	<p><u>EIC</u>: Ms Liyani found the two bags in a big bag near the rubbish bin at 49D CL at the end of 2010 after renovations. Ms Liyani carried the brown Longchamp bag on 28 October 2016, the day of her termination.</p>		<p><u>LML</u>: Unable to recall when or where he purchased the bags. He would not have discarded these bags as they are durable. Estimated value of “\$100 or so”.</p>	<p>Although LML stated that the two Longchamp bags were his, Robin had never noticed LML carrying these two bags throughout the course of his employment.</p>	<p>LML testified that bags of these makes had gone missing.</p> <p>The trial judge did not accept that Ms Liyani would have chanced across bags of the same make as the two Longchamp bags that had gone missing, in the trash of LML's neighbours.</p>	<p>(1) LML could not specifically identify these two particular bags as the two Longchamp bags that had gone missing.</p> <p>(2) The trial judge did not consider (a) Ms Liyani's evidence that she had carried the brown Longchamp bag, in the Liew's presence, on the</p>
3	Blue Longchamp bag valued at \$200				<p><u>Robin</u>: Had never noticed LML carrying these two bags</p>			

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			<p><u>Cross-Ex</u>: Ms Liyani maintained her earlier evidence.</p>		<p>throughout the course of his employment. Could not recall which bag Ms Liyani was carrying as she left the house on the day of her termination.</p> <p><u>Karl</u>: Did not notice whether Ms Liyani was carrying a Longchamp bag on the day of her termination.</p> <p><u>NLP</u>: The two Longchamp bags belong to LML. Never saw Ms Liyani carrying the brown Longchamp bag.</p>		<p>day of her dismissal; and (b) the evidence of LML's driver, that he had never seen LML carrying these two bags.</p> <p>(3) Articles produced by the Defence (in supplementary appeal submissions) on the prevalence of dumpster diving supported Ms Liyani's defence that she had found these two bags in the trash of LML's neighbours.</p>	
3rd Charge – Items in the possession of May Liew (“May”)								
4	One ‘Vacheron Constantin’ watch with unknown value	49 CL	<p><u>EIC</u>: May discarded the watch in 2011 or 2012 after clearing things from her storage facility, and Ms Liyani picked the watch up from May’s rubbish bin in May’s room.</p> <p><u>Cross-Ex</u>: Ms Liyani picked the watch up from May’s rubbish bin in 2012 after sorting out the items brought back from storage. Doesn’t know who it belongs to.</p> <p>Explaining why she gave the answer in her 2nd statement (that it was a gift from Diah), Ms Liyani stated that the photo was “blurry” and she did not recognise it properly - the item was retrieved from May's dustbin.</p> <p><u>Eric Ong (Defence witness – horologist)</u>: Watch is counterfeit. Battery needs to be replaced.</p>	<p><u>How she obtained it</u>: Gift from Diah (2nd statement) vs May's trash (5th statement and testimony).</p>	<p><u>May</u>: Purchased the watch from Shanghai. The watch belongs to her, and she had never discarded the watch or given it away. Last saw the watch in 2004, and had not been looking for the watch. Only realised the item was missing when she was called down to the Police station in 2017.</p> <p>Disagreed that she last saw the item in 2011 or 2012 when she was sorting out items retrieved from storage and had discarded the item (into a trash can in her room) at that point. Ms Liyani did not help May organise her things that had been retrieved from storage; Ms Liyani had only helped with carrying the boxes.</p> <p><u>NLP</u>: The only items belonging to May that were put in storage were furniture. When the items were retrieved from storage, there was only furniture (for</p>	None.	<p>Ms Liyani claimed that she had found this item in May Liew's trash, in 2011 or 2012.</p> <p>However, May denied that she had thrown this item away. May's evidence was preferred because she was an honest and forthright witness.</p>	<p>(1) Ms Liyani's account at trial (she has found this watch in May's trash) was inconsistent with her statements, where she claimed this watch was a gift from a friend. However, limited weight should be accorded to this inconsistency because: (a) the statement was not read back to Ms Liyani in Bahasa Indonesia, (b) Ms Liyani was not shown the actual watches during the recording of the statement, (c) instead, numerous photos were shown to Ms Liyani and (d) the statement was recorded in the wee hours.</p> <p>(2) There was "more than a reasonable doubt" that May had thrown away this watch, as it was counterfeit and spoilt. May had likely discarded the watch once she became an investment banker, given her "social status".</p>

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			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court			Inconsistencies in Prosecution Witnesses' testimony
					May) and Ms Liyani only helped with carrying.			
5	One white-coloured 'Swatch' watch with orange-coloured design valued at \$75	49 CL	<p><u>EIC</u>: Cannot remember if she found it in LML or May's trash. She saw that the watch was not working, and took it.</p> <p><u>Cross-Ex</u>: Ms Liyani found the watch in May's trash in 2012 and did not ask if she could take it. Doesn't know who it belongs to.</p> <p>Explaining why she gave the answer in her 2nd statement (that it was a gift from Diah), Ms Liyani stated that the photo was "blurry" and she did not recognise the item - she had retrieved the item from the dustbin.</p> <p><u>Eric Ong (Defence witness – horologist)</u>: Watch is counterfeit.</p>	<p><u>How she obtained it</u>: Gift from Diah (2nd statement) vs May's trash (5th statement and testimony).</p>	<p><u>May</u>: The watch belongs to her. Unable to recall where she had gotten the watch from. Bought the watch in early 2000, last saw the watch in 2004, and cannot recall when it went missing. Cannot recall how much she bought it for. Only realised the item was missing when she was called down to the Police station in 2017.</p> <p>Disagreed that she last saw the item in 2011 or 2012 when she was sorting out items retrieved from storage and had discarded the item (into a trash can in her room) at that point. Ms Liyani did not help May organise her things that had been retrieved from storage; Ms Liyani had only helped with carrying the boxes.</p> <p><u>NLP</u>: The only items belonging to May that were put in storage were furniture. When the items were retrieved from storage, there was only furniture (for May) and Ms Liyani only helped with carrying.</p> <p><u>IO Tang</u>: May informed him that she had purchased the watch from a Swatch boutique.</p>	None.	<p>Ms Liyani claimed that she had found this item in May Liew's trash, in 2011 or 2012.</p> <p>However, May denied that she had thrown this item away. May's evidence was preferred because she was an honest and forthright witness.</p>	<p>(1) Ms Liyani's account at trial (she has found this watch in May's trash) was inconsistent with her statements, where she claimed this watch was a gift from a friend. However, limited weight should be accorded to this inconsistency because: (a) the statement was not read back to Ms Liyani in Bahasa Indonesia, (b) Ms Liyani was not shown the actual watches during the recording of the statement, (c) instead, numerous photos were shown to Ms Liyani and (d) the statement was recorded in the wee hours.</p> <p>(2) There was "more than a reasonable doubt" that May had thrown away this watch, as it was counterfeit and spoilt. May had likely discarded the watch once she became an investment banker, given her "social status".</p>
6	One silver-coloured ring with blue shiny stones valued at \$150	49 CL	<p><u>EIC</u>: Found the item in May's rubbish bin in 2011 or 2012 after May collected her items from storage, and intended to give it to her nieces.</p> <p><u>Cross-Ex</u>: Found the item in May's rubbish bin in 2012 (est.). Does not know who it belongs to.</p>	<p><u>How she obtained it</u>: May asked her to throw away (2nd statement) vs found in May's trash (5th statement and testimony).</p>	<p><u>May</u>: The item belongs to her. Can't recall where she purchased the item from, but is sure it belongs to her – she bought it as turquoise is her favourite colour. She did not discard the item or give it away.</p> <p>Last saw the item in 2004. Left the item in a drawer in her</p>	None.	<p>Ms Liyani claimed that she had found this item in May Liew's trash, in 2011 or 2012.</p> <p>However, May denied that she had thrown this item away. May's evidence was preferred because she was an honest and forthright witness.</p>	<p>Ms Liyani's defence that May had discarded this item was supported by the following points:</p> <p>(1) NLP had testified that in 2012, May's room had been cleared out to make room for Karl's family. There was a "reasonable possibility" that this item (along</p>

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			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court			Inconsistencies in Prosecution Witnesses' testimony
			May was present when Ms Liyani took the item from the rubbish bin.		<p>room. Can't recall how much she bought it for, but it probably cost between \$75 to \$200. Only realised the item was missing when she was called down to the Police station in 2017.</p> <p>Disagreed that she last saw the item in 2011 or 2012 when she was sorting out items retrieved from storage and had discarded the item (into a trash can in her room) at that point. Ms Liyani did not help May organise her things that had been retrieved from storage; Ms Liyani had only helped with carrying the boxes.</p> <p><u>NLP</u>: The only items belonging to May that were put in storage were furniture. When the items were retrieved from storage, there was only furniture (for May) and Ms Liyani only helped with carrying. May's room was cleared out in 2012 to make room for Karl's family, and a cleaning exercise was conducted.</p>		<p>with other jewellery items and accessories) was discarded then.</p> <p>(2) May's failure to mention this cleaning exercise in 2012 undermined her credibility. Further, she had only realised that these items were missing in 2017, when she identified them at the Police station. This suggested that May had discarded this item.</p>	
7	One pair of silver-coloured earrings with white opaque stones valued at \$150	49 CL	<p><u>EIC</u>: Found the item in May's rubbish bin in 2011 or 2012 after May collected her items from storage, and intended to give it to her nieces.</p> <p><u>Cross-Ex</u>: Found the item in May's rubbish bin in 2012 (est.). Does not know who it belongs to. May was present when Ms Liyani took the item from the rubbish bin.</p> <p>Ms Liyani explained that she gave the answer in the 2nd statement as the IO had asked her about the items together, by showing a</p>	<p><u>How she obtained it</u>: May asked her to throw away (2nd statement) vs found in May's trash (5th statement and testimony).</p>	<p><u>May</u>: The item belongs to her. She likes pearl earrings and has a few pairs. She did not discard the item or give it away. Can't recall how much she bought the earrings for, but probably in the range of \$70 to \$150.</p> <p>Left the item in a drawer in her room. Only realised the item was missing when she was called down to the Police station in 2017.</p> <p>Disagreed that she last saw the item in 2011 or 2012 when she</p>	None.	<p>Ms Liyani claimed that she had found this item in May Liew's trash, in 2011 or 2012.</p> <p>However, May denied that she had thrown this item away. May's evidence was preferred because she was an honest and forthright witness.</p>	<p>Ms Liyani's defence that May had discarded this item was supported by the following points:</p> <p>(1) NLP had testified that in 2012, May's room had been cleared out to make room for Karl's family. There was a "reasonable possibility" that this item (along with other jewellery items and accessories) was discarded then.</p> <p>(2) May's failure to mention this cleaning exercise in 2012 undermined her credibility. Further, she had only realised that</p>

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			<p>picture with all the items together. When told that this answer only explains why her answers were the same for various accessories, but not the inconsistencies, Ms Liyani said: <i>"I told the IO wrongly or incorrectly. I just give a roughly idea that it was 7 years ago."</i></p> <p>When pressed on why she specifically said that May asked her to throw it away (in her 2nd statement), Ms Liyani said: <i>"I did say that I took --- May Liew throw it away. And I picked it up from the dustbin."</i></p>		<p>was sorting out items retrieved from storage and had discarded the item (into a trash can in her room) at that point. Ms Liyani did not help May organise her things that had been retrieved from storage; Ms Liyani had only helped with carrying the boxes.</p> <p><u>NLP</u>: The only items belonging to May that were put in storage were furniture. When the items were retrieved from storage, there was only furniture (for May) and Ms Liyani only helped with carrying. May's room was cleared out in 2012 to make room for Karl's family, and a cleaning exercise was conducted.</p>		<p>these items were missing in 2017, when she identified them at the Police station. This suggested that May had discarded this item.</p>	
8	One yellow-coloured earring with one white opaque ball valued at \$75	49 CL	<p><u>EIC</u>: Found the item in May's rubbish bin in 2011 or 2012 after May collected her items from storage, and intended to give it to her nieces.</p> <p><u>Cross-Ex</u>: Found the item in May's rubbish bin in 2012 (est.). Does not know who it belongs to. May was present when Ms Liyani took the item from the rubbish bin.</p> <p>[Note: Ms Liyani was not cross-examined on the contrary account in the statement.]</p>	<p><u>How she obtained it</u>: Purchased it (2nd statement) vs found in May's trash (testimony).</p> <p>[Note: The description of the item in the statement is not clear.]</p>	<p><u>May</u>: The item belongs to her. There is only one earring as she lost one when she was out one day. She did not discard the item or give it away.</p> <p>Last saw the item in 2004, and can't recall how much she paid for it. Left the item in a drawer in her room. Only realised the item was missing when she was called down to the Police station in 2017.</p> <p>Disagreed that she last saw the item in 2011 or 2012 when she was sorting out items retrieved from storage and had discarded the item (into a trash can in her room) at that point. Ms Liyani did not help May organise her things that had been retrieved from storage; Ms Liyani had only helped with carrying the boxes.</p>	None.	<p>Ms Liyani claimed that she had found this item in May Liew's trash, in 2011 or 2012.</p> <p>However, May denied that she had thrown this item away. May's evidence was preferred because she was an honest and forthright witness.</p>	<p>Ms Liyani's defence that May had discarded this item was supported by the following points:</p> <p>(1) NLP had testified that in 2012, May's room had been cleared out to make room for Karl's family. There was a "reasonable possibility" that this item (along with other jewellery items and accessories) was discarded then.</p> <p>(2) May's failure to mention this cleaning exercise in 2012 undermined her credibility. Further, she had only realised that these items were missing in 2017, when she identified them at the Police station. This suggested that May had discarded this item.</p>

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			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court			Inconsistencies in Prosecution Witnesses' testimony
					NLP: The only items belonging to May that were put in storage were furniture. When the items were retrieved from storage, there was only furniture (for May) and Ms Liyani only helped with carrying. May's room was cleared out in 2012 to make room for Karl's family, and a cleaning exercise was conducted.			
9	An assortment of fashion accessories valued at \$400	49 CL	<p><u>EIC</u>: Found the items (save for P1-33, a pair of pearl hook earrings, and P1-38, a single earring) in May's rubbish bin in 2011 or 2012 after May collected her items from storage, and intended to give it to her nieces.</p> <p>Purchased P1-33 for \$10 from Taka Jewellery in Marine Parade. Purchased P1-38 from Lucky Plaza in 2010 (3 for \$10) – lost 1 side.</p> <p><u>Cross-Ex</u>: Found the items (save for P1-33 and P1-38) in May's rubbish bin in 2012 (est.). Does not know who the items belong to. May was present when Ms Liyani took the items from the rubbish bin. Purchased P1-33 for \$10 from Taka Jewellery in Marine Parade. Purchased P1-38 from Lucky Plaza in 2010 (3 for \$10) – lost 1 side.</p> <p>Ms Liyani explained that she gave the answer in the 2nd statement as the IO had asked her about the items together, by showing a picture with all the items together. When told that this answer only explains why her answers were the same for various accessories, but not the inconsistencies, Ms Liyani</p>	<p><u>How she obtained the assortment in general</u>: May asked her to throw away (2nd statement) vs found in May's trash (5th statement and testimony).</p> <p><u>How she obtained P1-38 (a single earring)</u>: Found in the trash (5th statement) vs bought from Lucky Plaza (testimony).</p>	<p><u>May</u>: The accessories belong to her. She liked the shape/design/colour of the accessories (e.g., three accessories with Disney characters). She did not discard the items or give them away. Estimated value of \$15 to \$70 for the individual items in the assortment.</p> <p>Can't recall when she bought the items, or how much she purchased them for. Last saw the items in 2004. Left the items in a drawer in her room. Only realised the items were missing when she was called down to the Police station in 2017.</p> <p>Disagreed that a pair of earrings (P1-33) and an earring (P1-38) belonged to Ms Liyani.</p> <p>Disagreed that she last saw the items (save for P1-33 and P1-38) in 2011 or 2012 when she was sorting out items retrieved from storage and had discarded the item (into a trash can in her room) at that point. Ms Liyani did not help May organise her things that had been retrieved from storage; Ms Liyani had</p>	None.	<p>For the majority of the assortment: Ms Liyani claimed that she had found this item in May Liew's trash, in 2011 or 2012. However, May denied that she had thrown this item away. May's evidence was preferred because she was an honest and forthright witness.</p> <p>For two items (pearl hook earrings (P1-33) and a single earring (P1-38)), which Ms Liyani claimed she had purchased instead of picking up from May's trash, May had denied this. May's evidence was preferred because she was an honest and forthright witness.</p>	<p>Ms Liyani's defence that May had discarded this item was supported by the following points:</p> <p>(1) NLP had testified that in 2012, May's room had been cleared out to make room for Karl's family. There was a "reasonable possibility" that this item (along with other jewellery items and accessories) was discarded then.</p> <p>(2) May's failure to mention this cleaning exercise in 2012 undermined her credibility. Further, she had only realised that these items were missing in 2017, when she identified them at the Police station. This suggested that May had discarded this item.</p> <p>The Judge also accepted Ms Liyani's claim that she had bought P1-33 and P1-38, noting the details on price and provenance that Ms Liyani provided for these items.</p>

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			<p>said: "I told the IO wrongly or incorrectly. I just give a roughly idea that it was 7 years ago."</p> <p>When pressed on why she specifically said that May asked her to throw it away, Ms Liyani said: "I did say that I took --- May Liew throw it away. And I picked it up from the dustbin."</p>		<p>only helped with carrying the boxes.</p> <p><u>NLP</u>: The only items belonging to May that were put in storage were furniture. When the items were retrieved from storage, there was only furniture (for May) and Ms Liyani only helped with carrying. May's room was cleared out in 2012 to make room for Karl's family, and a cleaning exercise was conducted.</p>			
10	One pair of black-coloured 'Gucci' sunglasses valued at \$250	49 CL	<p><u>EIC</u>: Found the item in a cupboard in her room when she first started work at 49 CL.</p> <p><u>Cross-Ex</u>: Found the item in her room when she first started work at 49 CL. Does not know who it belongs to. Did not intend to bring the sunglasses back to Indonesia; she had packed in a rush.</p> <p>Disagreed that the item referred to in her 2nd statement (where she said LML's previous maid had given it to her) was the same pair of sunglasses.</p>	<p><u>How she obtained it</u>: Given to her by LML's previous maid (2nd statement) vs found it in her room in 49 CL (5th statement and testimony).</p>	<p><u>May</u>: The item belongs to her. She recalls choosing the sunglasses for the shape. She did not discard the item or give it away. Purchased the item for about \$250.</p> <p>Can't recall when she bought it. Last saw the item in 2004. Left the item in a drawer in her room. Only realised the item was missing when she was called down to the Police station in 2017.</p> <p>Does not know whether the item was already in Ms Liyani's room when Ms Liyani moved in to 49 CL. Disagreed that someone else may have given the item to a previous domestic helper at 49 CL.</p>	None.	<p>Even if it was accepted that the sunglasses were in her room when she first started working, the sunglasses had been kept in her cupboard all the time, and it did not seem plausible that Ms Liyani could unintentionally pack the item in. It was not in dispute that she personally packed her luggage, thus she had full intention of taking the item back to Indonesia.</p> <p>Note: The sunglasses were recovered not from Ms Liyani's luggage, but from 49 CL, i.e., items from the 3 Boxes. However, this does not affect the accuracy of Ms Liyani's evidence that she had packed the item herself. The Case for the Defence also stated that: "[Ms Liyani] was in a hurry and packed the sunglasses."]</p>	<p>(1) Gave Ms Liyani the benefit of the doubt that she had inadvertently packed this item into the boxes, in view of (a) her state of mind and emotions at the time, and (b) the limited time she was given to pack.</p> <p>(2) The break in the chain of custody of evidence also rendered the conviction unsafe.</p>
4th Charge – Items in the possession of Heather Lim ("Heather")								
11	One purple-coloured 'Prada' bag valued at \$1,000	Ms Liyani	<p><u>EIC</u>: Retrieved the bag from one of two black plastic rubbish bags at 49 CL on the day after Karl and Heather's move to 39 CL.</p>	None.	<p><u>Heather</u>: The bag belongs to her, and she uses it when she goes to the gym. Purchased it over 10 years ago from a</p>	Karl and Heather testified that no trash was generated during their move to 39 CL, but	<p>Ms Liyani claimed that she had found these items in Karl and Heather's trash.</p> <p>Preferred Heather's evidence that</p>	<p>(1) The poor condition of this item lent support to the Defence's position that it had been discarded.</p> <p>(2) Heather testified that she had</p>

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			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court			Inconsistencies in Prosecution Witnesses' testimony
			<p><u>Cross-Ex</u>: Retrieved the bag from the rubbish area at 49 CL the day after Karl and Heather's move to 39 CL.</p>		<p>reseller of branded goods for an estimated price of \$1,000.</p> <p>She has never discarded it or given it away. Kept the bag in Karl's room in 49 CL.</p> <p>There were no trash bags on the day of her and Karl's move to 39 CL; there was no time to discard anything.</p> <p><u>Karl</u>: Did not discard any items during the move from 49CL to 39CL.</p> <p><u>LML</u>: There was "a lot of trash" during Karl's move from 49 CL to 39 CL.</p>	<p>LML testified that there was "a lot" of trash.</p>	<p>this item had not been discarded. This was yet another item that Ms Liyani claimed she had found in Karl and Heather's trash. It was telling that Ms Liyani conveniently relied on the fact that Karl and Heather had moved out of LML's home in her defence for several items.</p>	<p>not thrown this item away during the move – no trash bags were used. But this was contradicted by LML, who testified that "there was a lot of trash". It was also implausible that nothing was discarded during the move. Heather had embellished her evidence by claiming that no trash bags were used; her motivations for doing so were suspect.</p>
12	One pair of black-coloured 'Gucci' sunglasses with red stains valued at \$500	Ms Liyani	<p><u>EIC</u>: Retrieved the sunglasses from one of two black plastic rubbish bags at 49CL on the day after Karl and Heather's move to 39CL.</p> <p><u>Cross-Ex</u>: Retrieved the sunglasses from the rubbish area at 49 CL the day after Karl and Heather's move to 39CL.</p>	None.	<p><u>Heather</u>: The sunglasses belong to her. While on holiday, she did not place the sunglasses in the protective case and the red stains resulted from the rubbing of the sunglasses frame against her bag.</p> <p>Purchased the item over 10 years ago from an optical shop in Katong Shopping Centre for an estimated price of \$500. Has never discarded the item or given it away. Kept the sunglasses in Karl's room in 49 CL.</p> <p>There were no trash bags on the day of her and Karl's move to 39 CL; there was no time to discard anything.</p> <p><u>Karl</u>: Did not discard any items during the move from 49CL to 39CL.</p> <p><u>LML</u>: There was "a lot of trash"</p>	<p>Karl and Heather testified that no trash was generated during their move to 39 CL, but LML testified that there was "a lot" of trash.</p>	<p>Ms Liyani claimed that she had found these items in Karl and Heather's trash.</p> <p>Preferred Heather's evidence that this item had not been discarded. This was yet another item that Ms Liyani claimed she had found in Karl and Heather's trash. It was telling that Ms Liyani conveniently relied on the fact that Karl and Heather had moved out of LML's home in her defence for several items.</p>	<p>(1) The poor condition of this item lent support to the Defence's position that it had been discarded.</p> <p>(2) Heather testified that she had not thrown this item away during the move – no trash bags were used. But this was contradicted by LML, who testified that "there was a lot of trash". It was also implausible that nothing was discarded during the move. Heather had embellished her evidence by claiming that no trash bags were used; her motivations for doing so were suspect.</p>

S/n	Item	Seized from	Trial			Trial Court's Findings	High Court's Findings
			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court		
					during Karl's move from 49CL to 39 CL.		

TABLE B: Items in the possession of Karl

S/n	Item	Seized from	Trial			Trial Court's Findings	High Court's Findings	
			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court			Inconsistencies in Prosecution Witnesses' testimony
2nd Charge – Items in the possession of Karl Liew (“Karl”)								
13	120 pieces of clothing valued at \$150 each	39 CL	<p><u>EIC</u>: Some of the clothes are from the black bag that Karl had given Jane, which Ms Liyani did not pack into the 3 Boxes. The other items belong to Ms Liyani (e.g. cream polo t-shirt, black dress, red blouse, blue corduroy shirt, black track pants). One of the pieces (a light blue T-shirt) was used as a cleaning rag, which Ms Liyani did not pack into the 3 Boxes. In general, the clothes that do not belong to Ms Liyani that were found in the 3 Boxes were not packed by her, but by Robin or Ismail.</p> <p><u>Cross-Ex</u>: When confronted with the admissions in her Police statements (1st and 2nd) that she took 10-15 items without seeking permission, Ms Liyani stated that what she had meant was that she had not received permission to pack the 10–15 pieces of clothing into the 3 Boxes. However, she had previously received permission from the Liew's to take these pieces of clothing.</p> <p><u>Re-Ex</u>: Ms Liyani again explained that when she informed the Police that she did not ask for permission to take the men's clothing, she meant that she had not asked for</p>	<p><u>Whether she had permission to take the 10 to 15 pieces of men's clothing</u>: Retracted her admission in her statements in her testimony at trial.</p>	<p><u>Karl</u>: Wears ladies' shirts sometimes. Does not know whether the black dress and the red blouse belong to Ms Liyani. Conceded that the cream polo T-shirt was too small for him to wear.</p> <p>Maintained that the other clothing items were previously in his possession. Disagreed that the following items belonged to Ms Liyani:</p> <ul style="list-style-type: none"> - blue corduroy shirt - two shirts belonging to Heather - winter jacket - blue striped white shirt with long sleeves - beige t-shirt <p>Disagreed that NLP had given the light blue t-shirt to Ms Liyani to use as a cleaning rag.</p> <p>Explained in re-examination that he wears ladies' clothing (e.g., oversized shirts) out sometimes. Karl is a hoarder of clothes and has taken over clothes from LML, his cousin, and his in-laws. Karl therefore has even female clothing. Karl and his family are frugal. The</p>	<p>Karl initially claimed that all the items were his, then stated that he was unable to recall whether some items were in his possession and whether he had worn them – e.g. black dress and red blouse, and cream polo T-shirt which was too small for him.</p> <p>NLP and LML had never seen / did not know of Karl wearing female clothes.</p>	<p><u>Reasonable doubt regarding four items of clothing (black dress, red blouse, cream polo T-shirt, corduroy shirt)</u>: Karl could not recall whether these items were in his possession / he had worn them, and some items were "smaller-sized female clothing".</p> <p><u>Quilt cover</u>: Not an item of clothing.</p> <p><u>Remaining 115 items</u>: (1) Ms Liyani admitted to taking 10 - 15 pieces of clothing in her statements.</p> <p>(2) Robin and NLP rejected Ms Liyani's claims that they had given her clothes.</p> <p>(3) Ms Liyani's claim that the drivers could have packed other clothes into the boxes was inconsistent with her statement (P33), where she said that she only took out those clothes <u>after</u> the three boxes were sealed.</p> <p>(4) Unbelievable that the drivers had inadvertently packed so many items into the boxes.</p>	<p>(1) There was a serious risk of contamination - the clothing in the Black Bag could have been packed into the boxes, <u>after</u> the boxes were opened on 29 October 2016. There was no way of ascertaining which of the 115 pieces of clothing had been originally packed into the boxes, and which had come from the Black Bag.</p> <p>(2) An exchange between Mrs Liew and Karl captured in the Video - as to whether they should get a <i>karang guni</i> man to take the clothing - indicated that (1) the Liew's had discarded or given away some of these items and (2) some of the items belonged to Ms Liyani.</p> <p>(3) Ms Liyani stated that one of the T-shirts was used as a rag. There was no reason for Ms Liyani to have wanted to bring this back to Indonesia. The presence of the "rag" supported the defence that items in the Black Bag had been packed into the boxes.</p> <p>(4) The Judge did not address Ms Liyani's admissions to taking 10 - 15 pieces of clothing in her statements.</p>

S/n	Item	Seized from	Trial				Trial Court's Findings	High Court's Findings
			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court	Inconsistencies in Prosecution Witnesses' testimony		
			<p>permission to remove those clothes from her room and pack them upon her termination on 28 October 2016. NLP had however given her permission in 2015 to take those clothes.</p> <p>Ms Liyani had signed her statements without clarifying this as she was too tired at the time and did not fully understand her statement as she did not have an Indonesian interpreter.</p>		<p>clothes can also be worn to sleep at home.</p> <p><u>NLP</u>: Has never seen Karl wear female clothing. The black dress and red blouse do not belong to NLP, and she has never seen Karl wear them. NLP has only given Ms Liyani clothes previously owned by NLP and no one else's.</p> <p><u>LML</u>: Does not know of Karl wearing ladies' clothes.</p> <p><u>Heather</u>: Has not seen Karl wear the black dress or the red blouse. The black dress and the red blouse do not belong to Heather.</p>			
14	One blanket valued at \$500	39 CL	<p><u>EIC</u>: Sometime in 2012, May gave the blanket to Ms Liyani and informed her that she no longer had any need for it. Does not know who placed the blanket in the 3 Boxes.</p> <p><u>Cross-Ex</u>: May gave her the blanket.</p>	<p><u>How she obtained it</u>: From May (testimony) vs purchased/found (statements).</p>	<p><u>Karl</u>: Purchased the blanket from the UK for \$500 when he was a student there. Disagreed that May had identified the blanket as hers.</p> <p><u>May</u>: Has never seen the blanket before. Disagreed that she had told Ms Liyani she did not want the blanket anymore. Disagreed that she did not recognise the item as she had forgotten about it. Disagreed that she knew the item was hers yet was claiming she did not recognise it.</p>	None.	<p>Accepted: (1) Karl's evidence that he had bought this item, and (2) May's evidence that she had never seen this item, let alone given it to Ms Liyani.</p>	<p>(1) Karl's evidence on this item was uncorroborated. Given Karl's lack of credibility, and the break in the chain of custody, the conviction was unsafe.</p> <p>(2) May claimed that she had not given this item to Ms Liyani. However, May "might not have been objective in her evidence as she is a member of the Liew family ... Her credibility is tainted by the improper motive on the part of Karl and Mr Liew".</p>
15	Three bedsheets valued at \$100 each	39 CL	<p><u>EIC</u>: Ms Liyani purchased one bedsheets from 'IKEA' for \$49. The remaining two bedsheets were retrieved from May, who wanted to discard them. Does not know who placed the bedsheets in the 3 Boxes.</p> <p><u>Cross-Ex</u>: Ms Liyani purchased</p>	<p><u>How she obtained it</u>: From May (testimony) vs purchased/found (statements).</p>	<p><u>Karl</u>: Said that he purchased one of the bedsheets from Habitat, but conceded in cross-ex that the bedsheets had an 'IKEA' label.</p> <p>The other two bedsheets also belong to Karl. Three bedsheets valued at \$300. Disagreed that</p>	<p>Karl initially claimed that the bedsheets were purchased from Habitat UK, then later conceded it had an IKEA label.</p>	<p>Accepted: (1) Karl's evidence that he had bought these items and (2) May's evidence that she had never seen these items, let alone given them to Ms Liyani.</p> <p>Karl claimed he had bought one bedsheets from Habitat, in the UK. Ms Liyani stated that she had</p>	<p>(1) Karl's evidence on these items was uncorroborated. Further, Karl's evidence on the bedsheets with the same design as the quilt cover was undercut by the objective evidence (the quilt cover had an 'IKEA' label, whereas Karl claimed that he had bought the bedsheets from Habitat). Given</p>

S/n	Item	Seized from	Trial				Trial Court's Findings	High Court's Findings
			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court	Inconsistencies in Prosecution Witnesses' testimony		
			one bedsheet from 'IKEA' for \$49. Received the other two bedsheets from May, who intended to discard them.		<p>May had given Ms Liyani two of the bedsheets.</p> <p><u>Heather</u>: Used one of the bedsheets with Karl in Shanghai. Did not see that bedsheet in their room in 49 CL.</p> <p><u>May</u>: Has never seen the two bedsheets before. Disagreed that she had told Ms Liyani she did not want the items anymore. Disagreed that she did not recognise the items as she had forgotten about them. Disagreed that she knew the items were hers yet was claiming she did not recognise them.</p>		<p>bought the bedsheet from IKEA. The bedsheet had the same design as the quilt cover, which bore the label "IKEA". However, there was no reason to doubt that Karl had bought this item from the UK, whether Karl had bought it from Habitat or somewhere else.</p>	<p>Karl's lack of credibility, and the break in the chain of custody, the conviction was unsafe.</p> <p>(2) May claimed that she had not given these items to Ms Liyani. However, May "might not have been objective in her evidence as she is a member of the Liew family ... Her credibility is tainted by the improper motive on the part of Karl and Mr Liew".</p>
16	One 'Philips' DVD player valued at \$150	39 CL	<p><u>EIC</u>: NLP permitted Ms Liyani to use the Philips player (and a TV) in Ms Liyani's room during her employment in 2010. Ms Liyani used the DVD player and TV in her room every day. Ms Liyani did not intend to bring the DVD player back to Indonesia, and had left it below the network box in 49CL.</p> <p><u>Cross-Ex</u>: NLP did not give Ms Liyani the DVD player as a gift, but had merely permitted Ms Liyani to use it. Ms Liyani did not intend to bring the DVD player back to Indonesia - was not aware that one of the drivers eventually put it in the 3 Boxes.</p> <p>Explained that her answer in her 2nd statement had not been recorded accurately - she said that she had placed the DVD player near the box, not into the box.</p>	<p><u>Whether she intended to bring the DVD player back to Indonesia on 28 Oct 2016</u>: Testified that she had no such intention (i.e., it was packed in without her knowledge) vs said she had packed the DVD player in herself (2nd statement).</p>	<p><u>Karl</u>: The DVD player belongs to him. Estimated value of \$150. Purchased the player when he and Heather were living in China as it could play both "legitimate and un-legitimate" DVDs. Does not know whether NLP let Ms Liyani use the DVD player and TV. Did not know that Ms Liyani had a DVD player or TV in her room.</p> <p><u>Heather</u>: Purchased the DVD player in Shanghai from Yongle Electronics Shop. The player could play pirated DVDs. Not sure whether NLP let Ms Liyani use the DVD player in Ms Liyani's room. Did not notice whether there was a DVD player or TV in Ms Liyani's room.</p> <p><u>NLP</u>: Does not recognise the DVD player, and did not give it to Ms Liyani. There was no TV</p>	None.	<p>Ms Liyani claimed that Mrs Liew had given her this DVD player, and she had not removed it from her room on the day she was terminated.</p> <p>Mrs Liew denied giving Ms Liyani the player, noting that there was not even a TV in the latter's room. There was no reason why the DVD player would have ended up in the boxes, if Ms Liyani had left in her room on the day of her termination. There was also no evidence that Ms Liyani had ever watched any DVDs.</p>	<p>(1) Prosecution had not proved beyond a reasonable doubt that Ms Liyani had packed the player into the boxes, given (1) the chain of custody issue and (2) the "improper motive on the part of Mr Liew and Karl". There was a "reasonable possibility" that the player was left in Ms Liyani's room, and the Liew's had added it as one of the items stolen by Ms Liyani.</p> <p>(2) Prosecution has also not proved beyond reasonable doubt that the player had been in Karl's possession, given Heather's claim that she had bought the player. Although Karl claimed that the player had been in his room, his evidence "must be given its due weight".</p>

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			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court	Inconsistencies in Prosecution Witnesses' testimony		
					or DVD player in Ms Liyani's room.			
17	An assortment of kitchenware and utensils valued at \$300	39 CL	<p><u>EIC</u>: Purchased the utensils from a secondhand store at Jalan Ampang; the stainless-steel pot and one other pot (one for \$39 and one for \$25) and the pink knife from Toa Payoh Cash Converters, and a ceramic pot from NTUC with a mixture of cash and points.</p> <p><u>Cross-Ex</u>: Purchased utensils from a secondhand store at Jalan Ampang, the stainless-steel pot and one other pot (one for \$49 and one for \$25) and the pink knife from Toa Payoh Cash Converters, and a ceramic pot from NTUC with a mixture of cash and points. Discrepancies between the costs reflected in Ms Liyani's statements vis-à-vis her testimony in Court are attributable to the recording officer's mistake(s).</p> <p><u>Teo Lian Eng (Defence witness – Jarmay Manager)</u>: The black-handled knife was launched by Jarmay in 2006. Does not have records to confirm this.</p>	Minor - discrepancies as to cost of items.	<p><u>Karl</u>: Purchased some of the items in the UK, and some in Singapore. Estimated value of \$300. He and Heather used the stainless-steel pot for curry that they bought from Casuarina Curry.</p> <p>Conceded that the pink knife was a modern knife that could not have been in production when he was studying in the UK in 2002.</p> <p><u>Heather</u>: She and Karl brought the stainless-steel pot to Casuarina Curry to get more curry from the restaurant.</p> <p><u>NLP</u>: Ms Liyani told her that a friend had given Ms Liyani the items.</p>	<p>Karl initially claimed that he had purchased the pink knife in the UK when he was a student. Under cross-examination, he conceded that this could not have been the case.</p>	<p>Ms Liyani's version that she had purchased these items was contradicted by Karl, who claimed he had bought these items, and Mrs Liew, who testified that Ms Liyani had told her that the kitchenware were gifts from a friend.</p> <p>Ms Liyani did not explain why she required six sets of utensils.</p> <p>Although Ms Liyani claimed that she had purchased these items from a "Hock Siong" shop, she did not call any witness from Hock Siong for the defence.</p> <p>Ms Liyani only called one witness, in relation to the black knife, who conceded that she may be mistaken about her evidence on whether the knife was only sold after 2006.</p>	<p>(1) Karl's evidence on these items was uncorroborated. Further, his claim that he had bought the kitchenware in around 2002, was undercut by his admission that the pink knife could not have been in production in 2002.</p> <p>(2) By contrast, Ms Liyani testified as to the price and origin of the various kitchenware. The Judge had misapplied the burden of proof by essentially drawing an adverse inference against Ms Liyani, for failing to call a witness from the "Hock Siong" shop.</p>
18	One black-coloured 'Gucci' wallet valued at \$250	Ms Liyani	<p><u>EIC</u>: The wallet was gifted to Ms Liyani by her friend, Diah, in 2012. Received a suitcase of items from Diah at Newton prior to Diah's departure from Singapore. The condition of the wallet at the point of gifting was not good (hole in coin compartment). Ms Liyani used the wallet every day.</p> <p><u>Cross-Ex</u>: Could not recall at the time of her Police statement that she had received the wallet from Diah.</p>	How she obtained it: From Diah (testimony) vs could not recall (5 th statement).	<p><u>Karl</u>: The wallet belongs to him, and was a gift from his family. "Layman" estimate of value was \$250. Was unable to state whether he had used the wallet.</p> <p><u>Heather</u>: May have given Karl a black wallet before, but unable to recall the brand or identify the wallet in court.</p> <p><u>LML, NLP, May</u>: Unable to recall gifting Karl the two wallets.</p>	<p>Karl claimed that his family had gifted him the wallet, but none of Karl's family members could recall doing so.</p>	<p>There was reasonable doubt as to whether this item was in Karl's possession.</p> <p>(1) There was no evidence that he had used it - he was unfamiliar with the wallet and its condition.</p> <p>(2) Karl claimed that the wallet was a gift from his family, but none of his family said they had gifted it to him.</p> <p>(3) The wallet did not appear to be a man's wallet.</p>	<p>The Judge agreed with the trial judge that there was a reasonable doubt as to whether Ms Liyani had stolen this item.</p> <p>The Judge added that the "plain inference" was that Karl had been untruthful in claiming possession of this item.</p>

S/n	Item	Seized from	Trial				Trial Court's Findings	High Court's Findings
			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court	Inconsistencies in Prosecution Witnesses' testimony		
			<u>Diah</u> (Defence witness - Ms Liyani's friend): Identified the wallet as belonging to her. Stated that the condition of the wallet was not good (hole in coin compartment). Passed Ms Liyani a suitcase of items at Newton.					
19	One black-coloured 'Braun Buffel' wallet valued at \$250	Ms Liyani	<p><u>EIC</u>: The wallet was gifted to Ms Liyani by her friend, Diah, in 2012. Received a suitcase of items from Diah at Newton prior to Diah's departure from Singapore. Ms Liyani had used this wallet before (but used the 'Gucci' wallet more frequently).</p> <p><u>Cross-Ex</u>: Diah had given Ms Liyani the wallet.</p> <p><u>Diah</u>: Identified the wallet as belonging to her. Passed Ms Liyani a suitcase of items at Newton.</p>	None.	<p><u>Karl</u>: The wallet belongs to him, and was a gift from his family. Estimated value of \$250, based on "layman interpretation of how much a good leather piece of wallet will be". Was unable to state whether he had used the wallet.</p> <p><u>Heather</u>: May have given Karl a black wallet before, but unable to recall the brand or identify the wallet in court.</p> <p><u>LML, NLP, May</u>: Unable to recall gifting Karl the two wallets.</p>	Karl claimed that his family had gifted him the wallet, but none of Karl's family members could recall doing so.	<p>There was reasonable doubt as to whether this item was in Karl's possession.</p> <p>(1) There was no evidence that he had used it - he was unfamiliar with the wallet and its condition.</p> <p>(2) Karl claimed that the wallet was a gift from his family, but none of his family said they had gifted it to him.</p> <p>(3) The wallet did not appear to be a man's wallet.</p>	<p>The Judge agreed with the trial judge that there was a reasonable doubt as to whether Ms Liyani had stolen this item.</p> <p>The Judge added that the "plain inference" was that Karl had been untruthful in claiming possession of this item.</p>
20	'Helix' watch valued at \$50	Ms Liyani	<p><u>EIC</u>: Found the watch in Karl's rubbish bin before the renovations to 49CL. The straps were not in good condition and watch was not moving. She wanted to replace the battery.</p> <p><u>Cross-Ex</u>: Explaining her answer in her 5th statement, Ms Liyani claimed she did not give the answer in relation to the Helix watch - she had only given this account for the Gucci sunglasses.</p>	<u>Where she found the item</u> : her room at 49CL (5 th statement) vs Karl's rubbish bin (testimony).	<p><u>Karl</u>: The watch was a "really ugly watch" that was handed down from LML. Estimated value of \$50 as it is "ugly". Could not confirm that he did not discard the watch in 2009 when he moved out of 49CL when renovations were being conducted. This was so as Karl was in a car accident and was not involved in the packing at the time.</p> <p><u>LML</u>: ever owned such a watch.</p> <p><u>Heather</u>: Does not know if the watch belonged to Karl.</p>	Karl said LML gave him the watch, whereas LML said that he had never owned such a watch.	<p>Ms Liyani claimed that she had found this watch in Karl's trash in 2009, when the family had moved out of the house as it was undergoing renovations.</p> <p>However, this was contradicted by Karl, who explained that he was hospitalised in 2009 and was not involved in packing, sorting or throwing away items. Karl's version was more plausible. Ms Liyani had likely taken advantage of Karl's absence to steal this item.</p>	<p>(1) Karl testified that he found this watch "ugly", and could not recall if he had thrown it away. The Judge failed to consider this point, which in itself rendered the conviction for this item unsafe.</p> <p>(2) The Defence expert also testified that the watch was a free gift from Shell, which bolstered the likelihood that Karl had thrown it away.</p> <p>(3) The Judge believed that Ms Liyani had retrieved the watch from the trash, after Karl discarded it.</p>
21	'Gerald Genta' watch valued at \$25,000	Ms Liyani	<u>EIC</u> : Retrieved the watch from one of two black plastic rubbish bags at 49CL the day after Karl and Heather's move to 39CL. The	None.	<p><u>Karl</u>: LML gave him the watch. Estimated value of \$25,000. The brand is famous and LML had said it was "expensive";</p>	Karl and Heather testified that no trash was generated during their move to 39CL, but	Ms Liyani claimed that she had found this watch in Karl's trash in March 2016, when Karl moved out.	(1) Karl claimed that the watch had great sentimental value, and thus, he would not have thrown it away. But this was inconsistent with both

S/n	Item	Seized from	Trial				Trial Court's Findings	High Court's Findings
			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court	Inconsistencies in Prosecution Witnesses' testimony		
			<p>strap of the watch was "separated", a button was missing, and the watch was not working.</p> <p><u>Cross-Ex</u>: Retrieved the watch from trash bags placed outside of 49CL the day after Karl and Heather's move to 39CL. Maintained that the watch was not working as the hands did not move until shown the watch, upon which Ms Liyani confirmed that the watch hands were moving.</p> <p><u>Eric Ong</u> (Defence witness – horologist): List price guide of US\$5,900 for the watch in 2002. Accepted that the "prevailing market rate" that he had cited (a price lower than the list price) was in fact a fluctuating figure.</p>		<p>Karl's "layman" idea of an "expensive" watch is one that costs more than \$20,000.</p> <p>The watch is of sentimental value as Karl's parents had passed it to him and there was an unusual backstory – NLP had won it as a first prize at a DBS function, and NLP had attended the function only because of the passing of her friend's husband. The strap was broken and there was a missing button, but the watch was still working, hence Karl intended to bring the watch for repair.</p> <p>Did not throw away the watch, and realised it was missing when he could not find it. Kept the watch under his study table. Did not keep the watch in his safe as the safe had run out of batteries. Did not discard any items during the move from 49CL to 39CL.</p> <p><u>LML</u>: NLP had won the watch at a DBS function and had passed the watch to LML as it was a men's watch. LML subsequently passed the watch to Karl as it is a "sport watch". Had asked around at that time, and found out that the price of the watch was more than \$20,000. There was "a lot of trash" during Karl's move from 49CL to 39CL.</p> <p><u>NLP</u>: Had won a watch (did not see the brand) as the first prize in a lucky draw at a DBS dinner. Gave the watch to LML thereafter.</p>	<p>LML testified that there was "a lot" of trash.</p> <p>Karl testified that he kept the watch in a drawer as the safe-box was not functioning. This was contradicted by Heather who said the safe-box was functioning.</p>	<p>However, this was contradicted by Karl. Karl's version was preferred: there was no reason for him to discard an expensive watch. Although the watch may have had a missing strap or a broken knob, it was still working (its hands were still able to move).</p>	<p>(a) his initial claim (he had only discovered the loss of the watch months after he moved out, once Ms Liyani was arrested with the watch) and (b) his subsequent claim (he had discovered the loss in April 2016, but yet did not report the loss).</p> <p>(2) Karl testified that he had not thrown this watch away as he did not discard any items when moving out. But Karl's evidence was contradicted by LML, who testified that "there was a lot of trash". Ms Liyani's evidence that trash was generated during the move was believable.</p>

S/n	Item	Seized from	Trial				Trial Court's Findings	High Court's Findings
			Ms Liyani's / Defence Witnesses' testimony in Court	Inconsistencies in Ms Liyani's accounts	Prosecution Witnesses' testimony in Court	Inconsistencies in Prosecution Witnesses' testimony		
					<p><u>Heather</u>: LML had given Karl the watch, and she has seen Karl wear the watch before. Did not know that Karl had been looking for the watch. Karl kept the watch in a drawer in his study table. The safe was functioning.</p>			
22	Two white-coloured 'iPhone 4' mobile phones with accessories valued at \$2,056	Ms Liyani	<p><u>EIC</u>: Retrieved the phones from one of two black plastic rubbish bags at 49CL the day after Karl and Heather's move to 39CL. Did not find the accessories in the rubbish bags, and does not know how the accessories got into her possession.</p> <p><u>Cross-Ex</u>: Retrieved the phones from trash bags placed outside of 49CL the day after Karl and Heather's move to 39CL.</p>	<p><u>Accessories</u>: found with the phones (statements) vs not found with the phones (testimony).</p>	<p><u>Karl</u>: The iPhones belong to him. Would not discard the phones as they were spare phones that could come in handy when travelling.</p> <p>Did not discard any items during the move from 49 CL to 39 CL.</p> <p><u>Heather</u>: the iPhones look generic, hence unable to tell if those are the ones specifically belonging to her or Karl. But Heather and Karl have iPhones lying around the house as they would keep the old models in a drawer when they purchased the new models. They would also typically keep the phones as hard drives for photographs. Ms Liyani had previously offered to buy their old models of iPhones but they refused to sell it to her.</p> <p>There were no trash bags on the day of her and Karl's move to 39 CL; there was no time to discard anything.</p> <p><u>LML</u>: There was "a lot of trash" during Karl's move from 49 CL to 39 CL.</p>	<p>Karl and Heather testified that no trash was generated during their move to 39CL, but LML testified that there was "a lot" of trash.</p>	<p>Ms Liyani claimed that she had found these items in Karl's trash in March 2016, when Karl moved out.</p> <p>However, both Karl and Heather denied that they would have thrown away old mobile phones. Heather also testified that Ms Liyani had asked her to sell her the iPhones, but Heather had refused. It was inconceivable that Karl and Heather would have discarded the phones, if they had not agreed to sell them to Ms Liyani.</p>	<p>(1) There was no clear evidence that these specific phones had belonged to Karl or Heather. Objective evidence (e.g. records of calls placed or messages sent using these phones/SIM cards to other phones used by the family members) was not adduced.</p> <p>(2) Ms Liyani's account that the phones had been thrown away was not unbelievable. At the time of the alleged offences, they were outdated by six years. Since the phones were old, it was more likely that Ms Liyani had found them in the trash instead of stealing them.</p>