

TRUST TERRITORY OF THE PACIFIC ISLANDS
v.
INSENSIO ELIAS, MASAO ELIAS, and ESDAKIO DEREZ
Criminal Case No. 172
Trial Division of the High Court
Ponape District
November 8, 1973

Prosecution for grand larceny. The Trial Division of the High Court, Brown, Associate Justice, held that evidence sustained convictions.

Larceny—Evidence—Sufficiency

Where evidence at grand larceny trial showed defendants knew pig belonged to another, that pig had a value twice that of the minimum required for grand larceny, that defendants, having no right to do so, took it without owner's consent, and that defendants cooked the pig and ate it, making it difficult to conceive of a clearer case of permanent conversion, there was no reasonable doubt as to guilt. (11 TTC § 852)

Counsel for Appellant: JOSEPH S. PHILLIP
Counsel for Appellees: MIGUEL MARQUEZ

BROWN, *Associate Justice*

Defendants were charged with the offense of grand larceny (11 TTC § 852), were convicted, and they appeal.

The evidence, essentially uncontradicted, proved beyond a reasonable doubt, and to a moral certainty, that defendants, and each of them, acting in concert, stole a pig which had an undisputed value of One Hundred (\$100.00) Dollars, carried it away from its owner's premises, cooked it, and ate it.

To constitute the offense of grand larceny, there must be a taking and carrying away of personal property of a value of Fifty (\$50.00) Dollars or more, belonging to another, without the owner's knowledge or consent, and with the intention of permanently converting that property to

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the taker's own use. 11 TTC § 852; *Trust Territory v. Mick*, 4 T.T.R. 14 (1968); 50 Am. Jur. 2d, Larceny, Sec. 2.

It is difficult to conceive of a clearer case of permanent conversion than is found here, where the property was killed, carried away, cooked and eaten. The evidence at trial demonstrated that petitioners knew that the pig belonged to another, had a value of One Hundred (\$100.00) Dollars, had no right to take it, and that they took it without the knowledge or consent of the owner.

The record clearly supports the judgment of the trial court. The prosecution proved beyond a reasonable doubt all the elements of grand larceny; and Petitioners' reliance on *Trust Territory v. Mick*, supra, fails to recognize the very different factual situation there. In *Mick*, the record indicated that there was a reasonable doubt as to the guilt of the defendant. Here, the trial court properly found that there was no reasonable doubt.

The judgment of conviction is affirmed.

JANE KONOU, Plaintiff

v.

DAIMOND MAKRORO, Defendant

Civil Action No. 19-73

Trial Division of the High Court

Marshall Islands District

November 13, 1973

Dispute over *dri jermal* rights in Ronbar wato, Rairok Island, Majuro Atoll. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that where two children had been adopted by *alab*, childrens' *dri jermal* interests were equal and the daughter of one of them could inherit his interest even though a member of his generation, the other adopted person, was still living, and the interest of daughter and the remaining adopted person were equal, though daughter was obliged by custom to show respect to the remaining adopted person.