

Making off without payment

There are four parts of this offence. You can see what the prosecution have to prove by looking at the Particulars on the indictment.

knowing that payment on the spot was required or expected

“On the spot” does not mean at any particular place. It means “there and then.” It includes payment at the time in respect of which services have been provided. So, one question you must answer is “Did the defendant know that payment was required or expected before he left?”

The prosecution say ***

The defendant says ***

dishonestly

The word "dishonestly" bears its ordinary meaning. You should decide whether you are sure that, according to the ordinary standards of reasonable and honest people and relating those standards to the facts of this case, what the Defendant did was dishonest.

The prosecution rely on the fact that the defendant ***

The defendant denies that he was acting dishonestly. He says that he ***

makes off without having paid

Making off involves leaving the place where payment was required. This is not in dispute. D*** left X*** when payment had not been made. The sum due has still not been paid.

with intent permanently to avoid payment of the amount due

People very rarely say out loud that they intend to commit a crime. We cannot see inside other peoples' minds. So how do you decide what someone intends? The answer is that you can infer someone's intention by looking at all the circumstances. Look at all the evidence and decide what, if anything, the defendant intended. An intention to delay or defer payment is not enough.

The prosecution say that ***

The defendant says that ***

So, the key questions for you to answer in relation to Count *, having regard to all the evidence and the directions which I give you, are these

1. Did the defendant know that payment was required or expected before he left?
2. When he left, was he acting dishonestly?
3. When he left, did he intend permanently to avoid payment of the £**** due?

If you are sure that the answers to all three questions are “yes”, the defendant is guilty of Count *. If the answer to any question may be “no”, he is not guilty of Count *.