

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC  
OF LIBERIA SITTING IN ITS MARCH TERM, A.D. 2024

BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....CHIEF JUSTICE  
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE

Gloria Musu Scott, Ma Rebecca Youdeh Wisner, Getrude Newton, and Alice Johnson all of the City of Monrovia, Liberia ) .....Appellants )		
Versus )		APPEAL
Republic of Liberia.....Appellee )		
<u>GROWING OUT OF THE CASE:</u> )		
Republic of Liberia.....Plaintiff )		<u>CRIMES:</u>
Versus )		MURDER, CRIMINAL
Gloria Musu Scott, Ma Rebecca Youdeh Wisner, Getrude )		CONSPIRACY, FALSE
Newton and Alice Johnson all of the City of Monrovia, )		REPORT TO LAW
Liberia.....Defendants )		ENFORCEMENT
		OFFICERS

Heard: July 16, 2024

Decided: August 28, 2024

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

The appellants, Gloria Musu Scott *et al.* were indicted, tried, and subsequently found guilty by a jury, and the verdict therefrom confirmed by the presiding judge of the First Judicial Circuit, Criminal Assizes "A," for the crimes of murder, criminal conspiracy, and false reports to law enforcement officials.

The certified records show that on the night of February 22, 2023, in the residence of Co-appellant Gloria Musu Scott, it was alleged that Charloe Musu was brutally attacked by an unknown assailant(s) who, with a depraved heart and an extreme indifference to human life, maliciously, viciously, and without the fear of God stabbed Charloe Musu on her right shoulder, her right forearm, her right chest, her left shoulder, the middle of her chest, her left arm pit, the left side of her throat, and her right thigh. Given the multiple puncturing and lacerations inflicted on different parts of her body, Charloe Musu took on immortality at the Redemption Hospital, situated in New Kru Town, Bushrod Island, Monrovia.

The autopsy reports presented by the medical experts of the State and the appellants, respectively, established that Charloe Musu was gruesomely murdered on the said night of February 22, 2024; however, the identity of the assailant(s) who actually perpetrated such

diabolical and heinous crime against the person of Charloe Musu remained an issue of controversy, with the State accusing the appellants, while the latter pleaded their innocence.

The records show that on June 23, 2024, the Grand Jury for Montserrado County presented an indictment against the appellants alleging the commission of the crimes of murder, criminal conspiracy, and false reporting to law enforcement officers. According to the indictment, the appellants conspired to murder Charloe Musu and then provided false and misleading statements to investigators of the Liberia National Police to conceal their involvement in the commission of the crime of murder. The indictment upon which the appellants were tried and convicted reads thus:

“INDICTMENT

That the Special Grand Jury for Montserrado County, Republic of Liberia, upon their oath do hereby find, more probable than not, that the defendants, Counsellor Gloria Musu Scott, Getrude Newton, Alice Johnson and Rebecca Youdeh Wisner committed the crimes of Murder, Criminal Conspiracy and False Reports to Law Enforcement Officials, in violation of Title 26, Chapter 14, Section 14.1, Chapter 10, Section 10.4 and Chapter 12, Section 12.33 of the New Penal Law of the Republic of Liberia, as follows, to wit:

COUNT ONE: MURDER

1. That, on the 22<sup>nd</sup> day of February A.D. 2023, at about 10:00 P.M, the defendants, Counsellor Gloria Musu Scott, Getrude Newton, Alice Johnson, and Rebecca Youdeh Wisner, with criminal minds and intent, armed with a sharp instrument believed to be a knife, and pepper spray, willfully, intentionally, purposely and maliciously, inflicted several bodily injuries on the person of Charloe Musu, including her chest, right hand, left thigh and left armpit, which led to her death , thereby committing the crime of murder.
2. That it was on the night of February 22, 2023, around the time stated above, after the family had eaten and were all in the house, when the security guards assigned to the home of co-defendant, Counsellor Gloria Musu Scott heard crying sound coming from inside the house. As the sound got louder, security guards, Anthony Musu and Zion Tarr, approached the room window of co-defendant Scott and in that process they saw co-defendant Getrude Newton slide open the bathroom window glass of co-defendant Scot and upon seeing them, she started screaming for help saying “*that the people on us in the house!*” Also seen in the bathroom with co-defendant Newton was Charloe Musu, now deceased.
3. After hearing from co-defendant Getrude that someone was on them in the house, Security Guard Zion Tarr left to call Security Guard Moses Wright who was their commander and told him that someone was in the house on the occupants based on what co-defendant Getrude Newton had told him. When security guards Wright and Tarr returned, they left security guard Anthony Musu at the bathroom window of co-defendant Scott, they went at the back of

the house to co-defendant Wisner's room. When they got at the window of co-defendant Wisner's room, co-defendant Getrude Newton came and told him, Zion Tarr, to break the window bar if he had anything to allow them come outside. As instructed, Mr. Tarr broke the window bar with a cutlass and aided three of the defendants, in persons of Getrude Newton, Alice Johnson and Rebeccas Youdeh Wisner, to get outside through the window.

4. After the three co-defendants came outside and being very concerned and apprehensive about the alleged armed robber, the security guard, Zion Tarr, decided to remain at the window with his cutlass to see whether the alleged intruder would come outside through that window, since there was no other entry or exit at the time. While standing at the window, some members of the community who jumped over and entered the fence, came to the window where the security guard, Zion Tarr, was standing and managed to enter the house, through the said window, while the security guard remained on alert at the window for the alleged intruder who never showed up.
5. That one of the community members, in persons of Amara S. Tarwuleh who entered the house told police investigators that when he entered the house through one of the back windows, he saw the deceased lying in the bathroom bleeding, and he helped to put her on the back of his friend by the name of Oga Prof, who asked co-defendant Scott for the keys to his friend Oga Prof who gave it to one Mulbah. He stated that at that time the whole house was locked so he asked co-defendant Scott for the back door keys and she gave it to him, that is how he opened the back door and helped carried Charloe Musu (deceased) to the car to be taken to the hospital, and he returned to the house to continue searching for the unknown man who allegedly stabbed the deceased, but was never found.
6. That in an attempt to cover up the truth about what transpired in the house, the defendants decided to concoct a story that an unknown man entered the house and stabbed the deceased to death but to the contrary, it was the defendants who murdered the deceased which by the outlook of the room when the investigators appeared on the crime scene, evidenced an altercation between the defendants and the deceased.
7. That the medical/autopsy report established that the deceased was violently stabbed nine times on her chest, right hand, left armpit and left thigh, and her face was peeled indicating that the injuries were inflicted by a sharp object believed to be a knife, which is consistent with co-defendant Getrude Newton's statement that she was in possession of a knife; and the peeling of the deceased's face was associated with the use of a foreign substance believed to be a pepper spray, which is consistent with co-defendant Scott's statement that she did discharge pepper spray, and that the injuries sustained by the deceased led to her death.

8. That the defendants knowing what they had done was wicked and barbaric, and co-defendant Gloria Musu Scott, being an experienced lawyer and criminal justice practitioner, decided to lie by creating a story that would shield them from the gruesome act of murder. That is why defendant Getrude Newton narrated a story that no reasonable mind would ever believe; that after the man allegedly stabbed the deceased in the back, she took the knife from him, but he took it back from her, indicating that the multiple wounds on the body of the deceased were inflicted by the alleged man whom no evidence has established ever existed. That co-defendant Scott also lied that she pepper sprayed the man in his face after she encountered him in the doorway of her room.
9. That the defendants with criminal minds and intent to destroy evidence, caused co-defendants Getrude Newton and Alice Johnson, to return to the house on the night of the incident, and at which time, security guard Zion Tarr saw them carry away a black bag containing several items, part of which is suspected to be the murder weapon/criminal agency. That it is observed from the facts and circumstances that the defendants changed [switched] the clothing, of the deceased, consisting of a blouse that she was wearing, and which the defendants concealed at the time of the violent attack on her person and before taking her to the hospital, and also prohibited the investigators from entering a room in the house which was locked by co-defendant Getrude Newton for several days. Having been compelled by the police investigators to open the room in the presence of co-defendant Getrude Newton's lawyers, bloodstains associated with the deceased were found in several parts of the room, along with a torn bra, believed to be that of the deceased.
10. That the defendants willfully, purposely, intentionally, recklessly, and maliciously committed the crime of Murder against the peaceful person of the deceased, Charloe Musu, at the time and date mentioned above in a manner and form which is violent and barbaric, based on the circumstances surrounding the death of the deceased, but tried to fake a story to deceive investigators.
11. That the conduct of the defendants demonstrates extreme indifference to the value of the life of Charloe Musu, (now deceased), for the fact that the time that was available for them to take the deceased to the hospital to seek medication after she was allegedly stabbed by an unknown man, was the time they took to plan and concoct a theory of falsehood that they saw a man in the house who stabbed Charloe Musu in the back that led to her death. A series of lies, falsehood, and delayed tactics were done and executed by the defendants to ensure that the deceased was helpless. For example, when the security guards heard the noise and came to the window. Co-Defendant Scott told them to break her window to allow her to come outside. Later she gave a bunch of keys to the main gate to the security to have it opened when she had in her possession the keys to the doors of the house which she could have given to them to gain access to the house.

12. That they also used that period to change the blouse that the deceased was wearing when she was stabbed, as the nurse from the Faith Clinic, Comfort Saydee told the investigators that the Deceased blouse had no holes nor piercing mark on it when she was taken to the hospital; that co-defendant Getrude Newton also in an effort to strengthen their falsehood, caused a delay to allow people enter the house when she left the bathroom of co-defendant Scott in no time and was seen in the room of co-defendant Wisner where she instructed security guard Zion Tarr to break the window to allow them come outside.
13. That the defendants were aware that pepper spray was used in the house by co-defendant Scott who said that she sprayed the eyes of the alleged suspect when she encountered him at her doorway, yet, they did not call for help immediately knowing that the deceased was bleeding helplessly in the bathroom of co-defendant Scott, while they were pushing the securities around just to delay, there and then, the crime of murder under circumstances which manifest extreme indifference to the value of human life, like in this case, was committed.
14. That the defendants have no affirmative defense.
15. That the act of the defendants is contrary to 1LCLR Revised, Title 26, Chapter 14, Section 14.1 of the New Penal of Liberia and against the peace and dignity of the Republic.

### MURDER

A person is guilty of murder if he:

Purposely or knowingly causes the death of another human being; or causes the death of another human being under circumstances manifesting extreme indifference to the value of human life. A rebuttable presumption that such indifference exist arises if the defendant is engaged or is an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit, treason, offenses defined in Sections 11.2 or 11.3 of this title, espionage, sabotage, robbery, burglary, kidnapping, felonious restraint, arson, rape, aggravated involuntary sodomy, escape, piracy, or other felony involving force or danger to human life.

### COUNT II-CRIMINAL CONSPIRACY

That, the Special Grand Jury for Montserrado County, Republic of Liberia, upon their oath do hereby find more probably than not, that the Defendants Counsellor Gloria Musu Scott, Getrude Newton, Alice Johnson, and Rebecca Youdeh Wisner, committed the crime of Criminal Conspiracy in violation of Chapter 10, Section 10.4 of the New Penal Law of the Republic of Liberia, to wit:

1. That it was on the night of February 22, 2023, around the time stated above after the family had eaten and were all in the house, when the security guards assigned to the home of co-defendant Counsellor Gloria Musu Scott, heard crying sound coming from inside the house. As the sound got louder, Security Guards Anthony Musu and Zion Tarr approached the room window of co-defendant Scott and in that process, they saw co-defendant Getrude Newton slid the bathroom window glass of co-defendant Scott opened, and upon seeing them, she started screaming for help saying “that the people on us in the house!” Also seen in the bathroom with co-defendant Newton was Charloe Musu, now deceased.
2. That after hearing from co-defendant Getrude Newton that someone was on them in the house, security guard Zion Tarr left to call Security Guard Moses Wright who was their commander, and told him that someone was in the house on the occupants based on what co-defendant Getrude Newton had told him. When security guards, Wright and Tarr returned, they left security guard Anthony Musu at the bathroom window of co-defendant Scott, they went at the back of the house to co-defendant’s Wisner’s room. When they got at the window of co-defendant Wisner’s room, co-defendant Getrude Newton came and told him, Zion Tarr, to break the window bar if he had anything allow them come outside. As instructed, Mr. Tarr, broke the window bar with a cutlass and aided three of the defendants, in persons of Getrude Newton, Alice Johnson and Rebecca Wisner, to get outside through the window.
3. After hearing from co-defendant Getrude that someone was on them in the house, Security Guard Zion Tarr left to call Security Guard Moses Wright who was their commander, and told him that someone was in the house on the occupants based on what Co-Defendant Getrude Newton had told him. When security guards Wright and Tarr returned, they left security guard Anthony Musu at the bathroom widow of co-defendant Scott, they went at the back of the house to co-defendant Wisner’s room. When they got at the window of co-defendant’s Wisner’s room, co-defendant Getrude Newton came out and told him, Zion Tarr, to break the window bar if he had anything to allow them come outside. As instructed, Mr. Tarr broke the window bar with a cutlass and aided three of the defendants, in persons of Getrude Newton, Alice Johnson, and Rebecca Youdeh Wisner, to get outside through the window.
4. That one of the community members, in persons of Amara S. Tarwuleh who entered the house told police investigators that when he entered the house through one of the back windows, he saw the deceased lying in the bathroom bleeding, and he helped to put her on the back of his friend by the name of Oga Prof, who asked co-defendant Scott for the keys to his friend Oga Prof who gave it to one Mulbah. He stated that at that time the whole house was locked so he asked co-defendant Scott for the back door keys and she gave it to him, that is how he opened the back door and helped carried Charloe Musu (deceased) to the car to be taken to the hospital, and he returned in the house to

continue searching for the unknown man who allegedly stabbed the deceased, but was never found.

5. That based on the accounts narrated by the defendants, the security guards in the compound and members of the community that entered the house and aided co-defendant Scott to bring the deceased outside to take her to the hospital, it was established that defendants did commit the crime Criminal Conspiracy to commit murder when they designed, planned, concocted, colluded, connived, and conspired to take away the peaceful life of a promising and aspiring Liberian Citizen, Charloe Musu.
6. That the defendants, in an attempt to cover up the truth about what transpired in the house, they decided to concoct a story that an unknown man entered the house and stabbed the deceased to death and also stabbed co-defendant Alice Johnson; but to the contrary, it was the defendants who murdered the deceased as established by the investigation based on their conspiratorial behavior and conduct.
7. That the defendants with criminal minds and intent to destroy evidence caused co-defendants Getrude Newton and Alice Johnson, to return to the house on the night of the incident, and upon which time, Security Guard Zion Tarr saw them carrying away a black bag containing several items, part of which is suspected to be the murder weapon/criminal agency. That it is observed from the facts and circumstances that the defendants changed and concealed the blouse that Charloe Musu (now deceased) was wearing at the time of the violent attack on her person before taking her to the hospital, and also prohibited the investigators from entering a room in the house which was locked by co-defendant Getrude Newton for several days. Having been compelled by the police investigators to open the room in the presence of co-defendant Getrude's lawyers, bloodstains associated with the deceased were found in several parts of the room, along with a torn bra, believed to be that of the deceased.
8. That it was established from the facts and circumstances that the defendants willfully connived, colluded, and conspired to murder the deceased after which they connived and conspired to conceal the facts and evidence to the extent that the murder weapon used and the blouse that the deceased was wearing on the night of the incident are yet to be found, thereby committing the crime of Criminal Conspiracy.
9. That the defendants have no affirmative defense.

That the acts of the defendants are contrary to 1LCLR Revised, Title 26, Chapter 10, Section 10.4 and against the peace and dignity of the Republic.

#### CRIMINAL CONSPIRACY

Offense: A person is guilty of conspiracy to commit a crime if, with the purpose of promoting or facilitating its commission, he agrees with one or more persons to engage in or cause the performance of conduct which constitutes the crime, and any one or more of such persons does an act to effect the object of the conspiracy.

2. Scope of conspiratorial relationship. If a person knows that one with whom he agrees has agreed or will agree with another to effect the same objective, he shall be deemed to have agreed with the other, whether or not he knows the other's identity.

3. Conspiracy with multiple criminal objectives. If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.

4. Duration of conspiracy. A conspiracy shall be deemed to continue until the crime which is its object is committed or the agreement that it be committed is abandoned by the defendant and by those with whom he conspired. A conspiracy shall be deemed to have been abandoned if no overt act to effect its objectives has been committed by any conspirator during the applicable period of limitations. If an individual abandons the agreement, the conspiracy is terminated as to him only if and when he timely advises those with whom he has agreed of his abandonment or by timely informing a law enforcement officer of the existence of the conspiracy.

5. Defense. It is an affirmative defense to a prosecution under this section that the person with whom such person is alleged to have conspired has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or for some other reason cannot be brought to justice.

### COUNT III: FALSE REPORT TO LAW ENFORCEMENT OFFICIALS

That the Special Grand Jury for Montserrado County, Republic of Liberia, upon their oath do hereby find more probably than not, that the defendants Counsellor Gloria Musu Scott, Getrude Newton, Alice Johnson, and Rebecca Youdeh Wisner, committed the crime of False Reports to Law Enforcement Officials, in violation of Chapter 12, Section 12.33 of the New Penal Law of the Republic of Liberia, to wit:

1. That on the 22<sup>nd</sup> day of February A.D. 2023, at about 10:00 P.M, the defendants, Getrude Newton, Counsellor Gloria Musu-Scott, Alice Johnson, and Rebecca Youdeh Wisner, with criminal minds and intent, willfully, purposely, intentionally colluded, connived, and conspired to commit the crime of False Reports to Law Enforcement Officials after the murder of Charloe Musu when she was stabbed multiple times to death by the defendants.



2. That it was on the night of February 22, 2023, around the time stated above, after the family had eaten and were all in the house, when the security guards assigned to the home of co-defendant Counsellor Gloria Musu Scott, heard crying sound coming from inside the house. As the sound got louder, security guards Anthony Musu and Zion Tarr approached the room window of co-defendant Scott and in that process, they saw co-defendant Getrude Newton slide the bathroom window glass of co-defendant Scott, and upon seeing them, she started screaming for help saying “that the people on us in the house”. Also seen in the bathroom with co-defendant Newton was Charloe Musu, now deceased.
3. That after hearing from co-defendant Getrude that that someone was on them in the house, Security Guard Zion Tarr left to call Security Guard Moses Wright who was their commander, and told him that someone was in the house on the occupants based on what Co-Defendant Getrude Newton had told him. When security guards Wright and Tarr returned, they left security guard Anthony Musu at the bathroom widow of co-defendant Scott, they went at the back of the house to co-defendant Wisner’s room. When they got at the window of co-defendant’s Wisner’s room, co-defendant Getrude Newton came out and told him, Zion Tarr, to break the window bar if he had anything to allow them come outside. As instructed, Mr. Tarr broke the window bar with a cutlass and aided three of the defendants, in persons of Getrude Newton, Alice Johnson, and Rebecca Youdeh Wisner, to get outside through the window.
4. That one of the community members in persons of Amara S. Tarwuleh who entered the house told police investigators that when he entered the house through one of the back windows, he saw the deceased lying in the bathroom bleeding, and he helped to put her on the back of his friend by the name of Oga Prof, who asked co-defendant Scott for the keys to his friend Oga Prof who gave it to one Mulbah. He stated that at that time the whole house was locked so he asked co-defendant Scott for the back door keys and she gave it to him, that is how he opened the back door and helped carried Charloe Musu (deceased) to the car to be taken to the hospital, and he returned in the house to continue searching for the unknown man who allegedly stabbed the deceased, but was never found.
5. That the police having been informed of the occurrence of an alleged armed robbery; rushed to the crime scene but the defendants were not there. After seven days from the date of the incident, the defendants conducted themselves in manners indicating that they were not willing to cooperate with police investigation, but rather took to the airwaves and various social media platforms, purportedly claiming that they were attacked by armed robber. Co-defendant Scott, in her effort to conceal the crime and mislead law enforcement officials, granted an interview to media outlets stating, among other things, that

her family had come under attack from an unknown armed robber and had in fact used pepper spray on the alleged intruder.

6. During police investigation, the within named defendants, severally and collectively gave false and misleading information by wrongly depicting a false picture of what actually transpired during the fateful night of 22<sup>nd</sup> February A.D. 2023. The defendants collectively informed the police investigators that an intruder surreptitiously entered the house at an unknown time, only for them to be attacked that night by the purported intruder. During police investigation, it was established that there was no sign of breakage into the house, nor was there any trace of an intruder/armed robber.
7. That co-defendant Scott falsely told police investigators that on the night of the incident, she awoke to screams, and when she opened her eyes, she saw the deceased bleeding and bent over with what appeared to be keys on a string in her hands, that's how she dragged her in her bath room, tore the window screen and began to scream through her bathroom window. She furthered that she came back in her room for her phone but she did not find it, it was there and then that she remembered someone had given her pepper spray which she located amongst her papers; and that when she was leaving the room, she encountered a man at her doorway and she sprayed him in the face. Later, one of the security guards entered the house, and she gave him her set of spare keys to open the door, and that is how they carried Charloe Musu (now deceased) outside to be taken to the hospital.
8. Co-defendant Getrude Newton falsely and erroneously told police investigators that the deceased was stabbed in the back by an alleged armed robber; when in fact and indeed, the multiple wounds inflicted on the deceased were all seen in the front of the deceased body and at the left under armpit of the deceased. Furthermore, co-defendant Newton said she had a tussle with the alleged intruder and even took possession of the knife before the intruder retook possession of the knife that he allegedly stabbed Charloe Musu with. She went further to say that she encountered the intruder outside the house, and they threw stones at each other. Co-defendant Newton said: *“when I got outside, I saw the same fellow who I saw in the house standing outside telling me that he came to save me. I said no, the person took rock and started stoning me. I also took rock and stoned him back. While the person and myself were stoning each other, Ma Rebecca Youdeh Wisner told me not to stone the person, I should come back.”*
9. That co-defendant Gertrude Newton could not have encountered the alleged intruder outside the house because the window had to be broken for co-defendants Alice Johnson, Rebecca Youdeh Wisner and Getrude Newton to exit the house, which at the time remained sealed. Moreover, by this time, the alarm was made and the neighbors had joined the security guards in the yard.

10. Co-defendant Alice Johnson falsely told the police investigators that she was sleeping when her sisters co-defendant Getrude Newton and deceased Charloe Musu started yelling, and while trying to get off the bed, she felt a knife juking her on her side. She said that she started yelling and hid herself behind a barrel and later heard her sister arguing over key, but she did not see them again.
11. Co-defendant Rebecca Youdeh Wisner, also in an effort to mislead the police investigators, falsely told the investigation that she had gone to bed by 6:00 P.M having had her evening meal, when she later heard a loud voice saying, “they are on the oldma”. She also said that she heard co-defendant Newton saying “burst the iron, burst the iron”, when in fact, the iron that she said she heard co-defendant say should be burst, was the window bar of the room she was occupying. She said that within that time, co-defendant Alice Johnson said someone juked her on her side, and that she kept hearing co-defendant Getrude saying “burst the iron, burst the iron”. Co-defendant Wisner also told the investigation that co-defendants Getrude Newton passed through the window first, then co-defendant Alice Johnson passed through the next, and she later passed through with the help of co-defendant Newton from outside.
12. That all and singular the information provided by the defendants to the investigation was established to be false, misleading, and erroneous based on the many contradictions. For example, co-defendant Getrude Newton said that she woke up the deceased and co-defendant Alice, but co-defendant Alice said that she woke up when she heard the deceased and co-defendant yelling. Co-defendant Getrude also said that when the alleged attacker took the knife back from her, co-defendant Alice woke up and that is how he stabbed her on her side, but co-defendant Alice told investigators that when she woke up to the yelling of co-defendant Newton, she felt a knife juking her on her side. That co-defendant Getrude Newton also told the investigation that when she came outside of the house, she saw the alleged attacker and they started stoning each other when co-defendant Wisner told her to stop stoning him, but when co-defendant Wisner was asked, she told investigator that she only heard co-defendant Newton saying that someone was stoning her.
13. That contrary to the impression by the family that Charloe Musu’s phone got missing on the night of the incident, the deceased phone was taken by co-defendant Alice Johnson and given to co-defendant Getrude Newton and was being used by Thelma Y. Kollie, a cousin of the deceased. That on the very night of the incident, the victim’s phone number called Counsellor Scott four times which showed that the phone was still in possession of the family. This was a diversionary tactic to sway the investigation away from the main suspect. Also, co-defendant Scott said on the night of the incident she could not find her phone, which the investigation proved to be false based on the analysis of the call log as she used the phone that same night after Charloe Musu was taken to the hospital and subsequently pronounced dead.

14. That co-defendant Scott did not escape through the window during the time of the incident as was widely insinuated; instead, she used the keys to open the door of the living quarters and came outside through the back door after some community dwellers, to include Eric Odumagwu, Amara S. Tarwuleh, Mulbah Kamara, Lahai Sanor, and Patrick Johnson, had made their way into the house through the window that co-defendants Getrude, Alice and Ma-Rebecca used to exit the house.
15. That the acts of the defendants are contrary to 1LCLR Title 26, Chapter 12, Section 12.33 of the New Penal Law of the Republic of Liberia and against the peace and dignity of the Republic.
16. That the defendants have no affirmative defense.

False Reports to Law Enforcement Officials:

Offense. A person has committed an offense if he:

- (a) Gives false information to a law enforcement officer with the purpose of falsely implicating another; or
- (b) Falsely reports to a law enforcement officer or other security official the occurrence of a crime of violence or other incident calling for an emergency response when he knows that the incident did not occur. “Security official” means firearm or other public servant responsible for averting or dealing with emergencies involving public safety...”

Thereafter, the appellants filed a motion for discovery, which was heard by the trial court and thereafter granted, ordering the State to produce and furnish the appellants with all documentary materials and species of evidence connected to the indictment.

On August 2, 2023, the appellants filed a motion for change of venue but withdrew same and filed a second motion for change of venue on August 25, 2023. The trial court entertained arguments on said motion, *pro et con*, but denied same. Thereafter, the appellants were arraigned before the trial court, at which time they entered a plea of not guilty thus joining issue with the State.

During the trial of this case, the State paraded thirteen (13) witnesses to prove the charges in the indictment, while the appellants paraded five (5) witnesses to provide evidence as to their innocence. At the conclusion of both oral and documentary evidence by the parties, the case was presented to the jury for their deliberation; thereafter, the jury returned a verdict of guilty against the appellants, which guilty verdict was affirmed by the trial court in its final ruling wherein the appellants were sentenced to life imprisonment. We quote below pertinent excerpts of the trial court’s final ruling sentencing the appellants to life imprisonment, to wit:

“JUDGE’S FINAL RULING

In view of the following facts and circumstances, the following issues are determinative of this case. And they are:

1. Whether or not the Prosecution proved its case beyond a reasonable doubt that the Defendants committed the crimes as charged?

Prove of reasonable doubt is to state how convincing the evidence of guilt must be to permit a guilty verdict. It is the state of the case, which after the comparison and consideration of all the evidence, leaves the minds of the Jurors in the condition that they cannot say they feel an abiding conviction to the moral certainty of the truth of the charge. *B.T. Collins v. Republic of Liberia* 22LLR page 365 (1974), citing Black's Law Dictionary; *William v. Republic*, August 14, 2014

During the trial, the Defendants through their Counsels argued that the testimonies presented by the Prosecution's witnesses were not true and therefore by extension should create doubt in the minds of the Trial Jurors. Firstly, the testimony provided by the Prosecution's first witness, Zion Tarr, the Security Officer, who was on duty that night, when the incident occurred, told the Trial Jurors and the Court that he heard loud crying from within the residence of Co-Defendant Gloria Musu Scott and proceeded to his other colleague, Anthony Musu whom he told about the noise. According to him, Anthony Musu replied him that it was the girl who always gives the oldma hard time and that the oldma was beating her again. Witness Tarr continued that, he also informed the Shift Commander Moses Wright. According to the witness, he went to the window where Gertrude Newton, Alice Johnson and Rebecca Wisner were crying in a very loud voice and when they recognized him, they pleaded with him kindly to open the door or find means for them to get outside but he told them that he did not have the keys to the house; to Alice Johnson and Gertrude Newton told him to use the cutlass in his hand to break the underside of the steel bar and allow them outside, which he did and assisted Gertrude Newton, Alice Johnson and Rebecca Wisner to come outside of the house.

Notwithstanding this testimony of witness Zion Tarr, the Defense Counsel argue that, it was impossible for Zion Tarr to use cutlass to break a steel window for the three defendants to get out because the cutlass is not strong enough or have that force to break the steel bar as testified to by Witness Zion Tarr. Nonetheless, this misbelief of the Defense Counsel, two (2) of Defense own witnesses in persons of Rebecca Wisner and Alice Johnson while testifying on the witness stand, confirmed and affirmed the testimony of Prosecution Witness Zion Tarr that they were the ones who instructed Zion Tarr to use the cutlass in his hand to bread the iron bar and get them out, which according to them, Zion Tarr did and safely got them out of the building. So, the question is, where is the doubt, when Defense Counsel Witnesses confirmed the testimony of Zion Tarr!

The second doubt that Defense Counsel argued is the impracticality for the defendants to have killed Charloe Musu and not the toil of the intruder, who has followed Co-Defendant Gloria Musu Scott all the while, when she had reported to the Liberia National Police two breakages into her home, on the 8<sup>th</sup> and 9<sup>th</sup> of February 2023, respectively: and no action was taken. According to Defense Counsel, it was not possible for the Defendants to kill Charloe Musu because the intruder who entered

Co-Defendant Gloria Musu Scott residence on the dates mentioned could be the same person (s) who killed Charloe Musu.

In refuting this allegation, the Investigation Team from the Liberia National Police: Detectives Jacob J. Suah, Abu Daramy, Eddie Kun, Curtis B. Koffa and Anthony T. Blake while testifying on behalf of the Prosecution, told the Court and Trial Jurors that Co-Defendants Gloria Musu Scott made a verbal report through her driver, Tom Nyumah on February 10, 2023, at Zone Six (6,) Depot One (1) Police Station, located in the Brewerville vicinity that her house was burglarized and her vehicle vandalized on 8<sup>th</sup> & 9<sup>th</sup> of February 2023, respectively. According to the investigators who also investigated the murder of Charlie Musu to the Court that based on the verbal report, an officer from the Depot accompanied Tom Nyumah to the compound of Co-Defendat Gloria Musu Scott, but upon arrival, Co-Defendant Scott informed the Police that the area that was burglarized had been repaired and the vehicle that was vandalized broke down somewhere around St. Paul's Bridge and was parked there. According to the Investigators, all they did was to advise Co-Defendant Gloria Musu Scott to hire private security for her compound, even though the allegation made by her concerning the burglarized building and the vandalized vehicle could not be verified. The Police therefore according to the \investigators did not conduct any investigation, and even if the allegations were true, the crimes scenes were already contaminated by the action of Co-Defendant Gloria Musu Scott. Despite the allegations by Co-Defendant Scott not being verified based on her conduct, the Liberia National Police advised her to report to the Depot to make an official complaint and statement but she never went there at all. The Investigators also commented on the mission license plate of Co-Defendant Gloria Musu Scott vehicle at the National Elections Commission in 2020. The Investigators told the Jurors and the Court that the communication was received, acted upon but up to the time of the incident of February 22, 2023, even though the Police set up a dragnet based on the communication, to all Traffic Officers to recover and arrest anyone in possession of the plate but no arrest has been made. So again, where is the doubt as intimated by the Defense Counsel for which the Trial Jurors would not have brought a guilty verdict.

Defense Counsel also alleged that they had information on one Mohammed Keita, who is connected to Jefferson T. Kojii, City Major of Monrovia City Corporation and that Keita was on the crime scene that night when the incident occurred. Denfense Counsel further stated that Varlee Telleh who is a security officer of the Monrovia City Corporation is part of the criminal cartel that collaborated with Moses Wright, the Shift Commander of the Genesis Security Guard assigned at Co-Defendant Gloria Musu Scott's residence that night and therefore prayed the Court to subpoena their telephone numbers, which numbers will show their involvement in the crime. Accordingly, the Defense filed an application for *Subpoena Ad Testificadum Duce Tucum* on the GSM Companies of Orange and Lonestar, respectively. Also subpoenaed to appear along with Jefferson T. Kojii were Varlee Telleh and Maiam Fofana, wife of Varlee Telleh.

Subsequently, subpoena witness Jefferson Kojii appeared and told the Court and Jurors that he is not acquainted with any Mohammed Keita neither privately not officially. He therefore challenged the Defense Counsel to prove him wrong with the evidence they say they have to that effect. Jefferson Kojii averred that he has two (2)

Orange numbers, one regular, 0776-407-969 and one official – 0779-229-900. Subsequently, subpoena witness Varlee Telleh appeared and told the Trial Jurors and the Court that he has five (5) numbers and all are registered in his name but could remember two (2) off head. According to Varlee Telleh, the numbers are 0778-371-222 and 0880-260-358 assigned to him, while 0776-632-470 is assigned to his wife and the other two which he could not remember off head are assigned to his two (2) children.

In view of the subpoena witnesses Jefferson Kojii and Varlee Telleh's testimonies, the In-House Lawyer of Orange GSM Company, Atty. Daniel S. Tamba appeared with the call logs as requested by the Court and told the Court that the number which Jefferson Kojii says is his regular number is registered in his name and he brought the call logs with him but as per the period (February 15 – 25, 2023) as requested by the Defense Counsel through the Court, that number has not been in use. Regarding the official number as provided by Major Kojii, that number is not registered in his name but rather in the name of one Emelda Lauramae Gabbideon. Defense then wanted to know from the In-House Lawyer of Orange GSM as to why the number was not in use during the period (February 15 – 25, 2023) and whether it was possible for someone to use a subscriber's number as his/her official number. In answering to that question, the In-House Lawyer Atty. Daniel S. Tamba told the Trial Jurors and the Court that for the first question as to why subscriber Jefferson T. Kojii did not use his number between the period February 15 – 25, 2023), he, Jefferson T. Kojii will be the best person to answer that question. However, Atty. Tamba continued, it is possible for a subscriber to decide not to use his telephone number and, it is not a crime to do so. As it relates to the official number that Jefferson T. Kojii says is his but registered in the name of Emelda Lauramae Gabbideon, that possibility also exists, as a subscriber can allow his telephone number to be used by anyone he has connection to, but when that number is found to engage in any criminal/unethical practice, the person whose name the number is registered will be responsible to answer to that criminal/unethical conduct. Therefore, according to Atty. Daniel S. Tamba, the actions are not criminal until and unless it can be proven that the actions were intended to engage in a criminal conduct.

When Madam Maiama Fofana took the stand to testify to her number, which her husband Varlee Telleh says is hers, she told the Court that indeed it is hers, but at times her husband can use her phone. Again, the In-House Lawyer of Orange GSM Company, Atty. Daniel S. Tamba took the stand and was asked by the Defense Counsel to comment on this number 112001407, which according to the call log, called Varlee Telleh's wife and Moses Wright, the Shift Commander of Genesis Security Services assigned at Co-Defendant Gloria Musu Scott's residence. In response to that inquiry, Atty. Tamba told the Trial Jurors and the Court that the number 112001407 is not an Orange GSM number. Atty. Tamba further stated, 'notwithstanding, when an Orange GSM number makes a call and there is no money in the caller's phone, the number 112001407 is generated in the period you are told that there is no money in your phone.'

The Court hasten to note that there is NO DOUBT created, in view of the answers provided by the subpoena witness from the Orange GSM Company through its legal Representative, Atty. Daniel S. Tamba as stated hereinabove. Moreover, when subpoena witness Jefferson T. Kojii appeared, he challenged the Defense Counsel

to produce any evidence linking him to any person named Mohammed Keita, whom Defense Counsel say they have information on being at the crime scene and has like with him (Jefferson T. Kojii). When Jefferson T. Kojii denied having link or connection with Mohammed Keita, the Defense Counsel did not produce any information that they said they had to the Jurors and the Court but rather they allowed the answer provided by Jefferson T. Kojii to go unchallenged.

2. Whether or not any of the witnesses for Prosecution ever saw the Defendants actually killing Charloe Musu, which would engender their conviction?

One major argument of the Defense Counsel is that none of the witnesses produced by the Prosecution saw any of the Defendants individually or collectively killing Charloe Musu. Notwithstanding the argument of the Defense Counsel, the Honorable Supreme Court of the Republic of Liberia has said in one of its Opinions as recorded in 30 LLR (Nimmel v. RL) Page 676/ Syl. 2 & 5, that, “It is not necessary that one actually be seen committing a crime before he could be held guilty, but that it is sufficient for that person to be convicted whenever the logical deductions from the facts and circumstances lead conclusively to the fact that the crime was committed and that the accused is connected with the crime.”

The Defendants and the deceased lived in the residence of Co-Defendant Gloria Musu Scott, where Charloe Musu was murdered. According to all of the witnesses, they all went to bed that night and ensured that the doors were locked and the Security guards were on duty. Between the 9:00 – 10:00 pm, the Security guards heard crying in the building and as the noise intensified; one of the Security guards in person of Zion Tarr told one of his colleagues, Anthony Musu, who according to Zion Tarr is a relative to Co-Defendant Gloria Musu Scott. Responding to the information, according to Witness Zion Tarr, Anthony Musu told him, “it is that girl who is always giving the oldma hard time, they are beating her again.” Few minutes later, the crying grew louder and louder which now included all of the occupants in the building and therefore, he, Zion Tarr went to the guest room window, where Gertrude Newton, Alice Johnson and Rebecca Wisner were standing and they asked him to please find means of getting them out of the building but, he told them that he did not have the keys to open the house and Gertrude Newton and Alice Johnson told him to use his cutlass in his hand to open the window by lifting the down part of the steel rod, which he did and got them out. Witness Zion Tarr also testified that during the incident, Anthony Musu went at the bathroom window of Co-Defendant Gloria Musu Scott and she instructed him to burst the bathroom window so she could give him the keys which Anthony Musu also did. Therefore, according to the Security guards assigned at the house that night and the investigation carried out by the Liberia National Police Crimes Services Department, there was no breakage to Co-Defendant Gloria Musu Scott residence prior to the murder of Charloe Musu except, the opening of the guest room window that was instructed by Gertrude Newton and Alice Johnson and the bathroom and the bathroom that was instructed by Co-Defendant Gloria Musu Scott.

Additionally, we wish to quote herein the Criminal Procedure Law Chapter 2, Title, Rights of the Defendants, subsection 2.6, titled, Reference at Trial to exercise of privileges, which states, “If a privilege is exercised not to testify or to keep another from testifying, either in the action or with respect to particular matters, or refuse to disclose or to keep another from disclosing any matter, the judge and counsel may not



comment thereon; no presumption shall arise with respect to the exercise of the privilege, and the trier of fact may not draw any adverse inference therefrom ..., In those jury cases wherein the right to exercise a privilege may be misunderstood and unfavourable inferences drawn by the trier of fact, or may be impaired in the particular case, the court, at the request of the exercising the privilege, may instruct the jury in support of that party's right to assert such privilege.”

So as per this provision of the statute, Co-Defendant Gertrude Newton decided to exercise her statutory right through her Counsel not to testify in the proceedings because according to her, her testimony could have just corroborated those of the three (3) defendants who had already testified. What is important to note in this provision of the statute as quoted above, is that the sentence, “...may not comment thereon...” gives the Judge the discretion not to comment or to comment; as in contrast to the word “...shall”, were it to be used, which would have made it mandatory for the judge not to comment at all. So as in this case at bar and as per the testimonies of the investigators, they told the court that during their interview with Gertrude Newton, which is documented in her statement, told the investigators that after they (Gertrude Newton, Alice Johnson and Rebecca Tarr, she Gertrude Newton saw the intruder/armed robber among the crowd and she and the intruder/armed robber began to throw stones at one another. According to the Investigators, what is most amazing is that Gertrude Newton did not show the intruder/armed robber to any of the security guards or neighbors so that he could be arrested.

Moreover, one of Defense witnesses in person of Rev. Alvin K. Gezzie, while testifying before court, said that he is a neighbour to Co-Defendant Gloria Musu Scott and Pastor to Charloe Musu and that his vehicle was used to drive the late Charloe Musu to the Redemption Hospital along with her mother and Alice Johnson who was also injured but not so severe as Charloe Musu's. According to Rev. Gezzie, when they arrived at the Redemption Hospital and the Physician Assistant carried out the vital examinations on Charloe Musu and pronounced her dead, a state of confusion and wailing began on the compound of the Hospital. It was at this point that Co-Defendant Gloria Musu Scott pleaded with him to carry her at her 16<sup>th</sup> Street residence, and he agreed and they began to go. According to the witness, when they began to go, Co-Defendant Gloria Musu Scott asked him for them to kindly pass at Cllr. Musa Dean, Minister of Justice residence, when he agreed to and they passed there. Rev. Gezzie further stated that, when they arrived at Musa Dean's house, in his presence, Co-Defendant Scott told the Justice Minister “Cllr. Dean, the thing I was afraid of has happened.” One wonders what is that thing Co-Defendant Scott was afraid of that had happened! It could not have been the breakage into her house as alleged because Police Investigators including the Director of Police who appeared before court told the jurors and court that on February 10, 2023, they received a verbal complaint from one Tom Nyumah at the Zone Six (6) Depot One (1) Police Station that his boss lady house has been burglarized and her vehicle entered into and vandalized on the 8<sup>th</sup> and 9<sup>th</sup> of February 2023, respectively. Based on that verbal complaint, the Zone Six (6) Police Depot immediately sent an officer at the compound of Co-Defendant Scott's residence, they met with her but she told them that indeed her house was burglarized but she had repaired the area that was burglarized. Secondly, she intimated that the vehicle that was vandalized was being ridden by her but had mechanical problem and parked at the St. Paul Bridge. According to the Investigators that went to the compound of Co-Defendant Gloria Musu Scott, they

advised her to hire a private security and for her to come at the Police Station for an official complaint where her statement would be taken and her file prepared. According to the Investigators, after a while, they made a follow-up at Co-Defendant Gloria Musu Scott's residence but the only thing they realized was that she had hired private security but did not come at the Police Station to file her official complaint. Therefore according to the Investigators, an investigation could not be conducted and was not conducted because, there was no crime scenes as per the house being burglarized and the vehicle being vandalized as alleged by Co-Defendant Gloria Musu Scott, the crime scenes were already contaminated, when the Police visited the compound. So as per Co-Defendant Gloria Musu Scott's statement to Cllr. Musa Dean that the thing she was afraid of had happened cannot by implication or construction implies the alleged breakage at her residence on the 8<sup>th</sup> & 9<sup>th</sup> of February 2023, respectively. Moreover, when Co-Defendant Gloria Musu Scott took the stand and had the opportunity to refute the Investigators' assertions about her complaints, she never repudiated the testimonies as provided by the Investigators concerning the contamination of the crime scenes, which was reported by her driver, Tom Nyumah and which in fact never existed as testified to by the Police Investigators and that her residence was intact and there was no breakage. From these logical deductions, facts and circumstances, especially the statement to Cllr. Frank Musa Dean, Minister of Justice, "the thing I was afraid of has happened." The court wonders what could it be since it could not be the breakages as testified to by the Investigators that no such crime scenes existed and was never rebutted to by Co-Defendant Gloria Musu Scott.

3. Whether or not the Prosecution prove any malice between Charloe Musu and any or all of the Defendants, which would have them to kill her?

According to the Defense Counsel, the Defendants cannot be held guilty for the killing of Charloe Musu whom according to the Defendants was everything to them to include: cooking, housekeeping and even as far as teaching Co-Defendant Alice Johnson how to withdraw and pay her school fees from the bank. Co-Defendant Gloria Musu Scott argued how could they be the ones to kill Charloe Musu, when she came to stay with them at a tender age, sent her to school and now at the point of graduating from the Starz University in November 2023.

Nonetheless such a claim, the Honorable Supreme Court of Liberia has opined that, "Malice is a necessary element to the commission of a crime and may either be expressed or implied from the circumstances surrounding its commission. When a person has been deliberately killed by a person, malice will be presumed to have existed even though no actual enmity has been proved." Malice aforethought and premeditation are essential elements of the crime of murder. **See 13 LLR (Jones v. RL page 623, syl. 1, text at page 645, 34 LLR (Kofa v. RL) page 489, syl. 6 & 7, text at page 499 to 500**

From the report of the Coroner of Montserrado County, Abraham B. Ricks and the two Pathologists for the Prosecution and the Defense, the deceased Charloe Musu was stabbed nine times in the front and three times at her back, which wound resulted to profuse bleeding and her subsequent death. This type of killing was gruesome, inhumane and very indifferent to human life, and hence, malice aforethought and premeditation can be presumed to have existed. Malice is defined as "the doing of a wrongful act intentionally without just cause, a wicked and mischievous purpose, which characterizes the perpetration of an injurious act without lawful excuse; a

violation of the law to the prejudice of another. Malice is a wicked, vindictive temper, regardless of social duty and bent on mischief.

4. Whether or not the Defendants committed the crime of murder?

The New Penal Code of Liberia approved July 19, 1976, section 14.1 defines murder as follow to wit:

- a) Purposefully or knowingly causes the death of another;
- b) Causes the death of another human being under extreme indifference to the value of human life...

“A person is guilty of murder only if he purposely or knowingly causes the death of another human being and for the charge of murder to be sustained, it must be proved that the accused committed the unlawful killing with premeditation and malice aforethought. The Penalty for Murder is Death or Life Imprisonment.” New Penal Code of Liberia, Section 50.5 and 51.3, respectively.

According to Defense Counsel, the Defendants could not have murdered Charloe Musu, their beloved daughter/sister, because there was no confusion/conflict between them that could have prompted them to kill her. However, the Honorable Supreme Court has opined that, “Malice is a necessary element to the commission of a crime and may either be expressed or implied from the circumstances surrounding its commission. When a person has been deliberately killed by another; malice will be presumed to have existed even though no actual enmity has been proved.”

Additionally, in the Defendants’ testimonies, they alleged that armed robbers jumped on them in the house for which they were shouting and crying and during which Charloe Musu was stabbed nine (9) times in the front and three (3) times in the back. However, there was no evidence to show that armed robbers entered the house because; there was no breakage into the house and the security guards, who were on duty when testifying to the court said that when they heard the loud noise in the house, they took positions around the building and while doing so, stood at the window of Rebecca Youndeh Wisner and saw Gertrude Newton and Alice Johnson in the said room, who then told him Zion Tarr to use cutlass to break the end of the iron bar steel rod, so that they could come outside, which he Zion Tarr did and Gertrude Newton, Rebecca Wisner and Alice Johnson passed through the window. This testimony of Security Guard Zion Tarr was confirmed and affirmed by Defense Witnesses, Rebecca Wisner and Alice Johnson. So based on the evidence hereinabove stated the law cited there was no justifiable reason for the killing of Charloe Musu and hence by inference, the Defendants premeditated the crime of murder and exhibited extreme indifference to the life of Charloe Musu.

5. Whether or not Prosecution failure to produce the Criminal Agency at the trial should be used as a basis to prevent the Defendants from conviction?

The Supreme Court has stated in 30 LLR, page 71, syl. 8 in the case: *Wion et al v. RL*. The “*The corpus delict of a murder may be established without the production of the weapon alleged to have been used to effect the killing and without evidence of a post mortem examination.*”

During the proceedings, one of Defense arguments is that the trial jurors and the court should not find the defendants guilty because, the Prosecution did not produce the criminal agency, meaning, the weapon allegedly used to kill Charloe Musu and also that the post mortem examination conducted by the Defense Pathologist, Dr. Mathius I. Okoye concluded that his examination done on the body of Charloe Musu showed that there was “minor male contributor” as against the one conducted by Dr. Benedict B. Kolee, that his DNA examination conclusion showed that only female DNA samples interacted with deceased Charloe Musu. So, as per the law stated hereinabove, in 30 LLR, page 71, syl. 8 in the case: Wion et al v. RL. The “The corpus delict of a murder may be established without the production of the weapon alleged to have been used to effect the killing. Additionally, the Supreme Court has also expounded on the issue of a post mortem examination stating that even without it, a murder may be established. In essence, what this provision means is that, it is discretionary for the weapon to be produced and post mortem examination to be carried out during trial. As per the Pathologists’ autopsy, we observed that both reports did not state who killed Charloe Musu, although the Prosecution Pathologist suggests that the DNA samples were all females, whilst Defense’s suggested “minor male contributor.” Nonetheless, there are several other circumstantial and logical deductions that specifically points to the Defendants and that they committed the crime.

6. Whether or not the Defendants committed the crime of Criminal Conspiracy?

The answer is YES because, the Defendants with the purpose of havng Charloe Musu killed agreed with one another, committed the crime and together concealed the evidence thereto. From the testimonies of the three Defendants: Gloria Musu Scott, Alice Johnson and Rebecca Wisner who testified in court denied the crimes charged in the indictment and also denied that none of them was involved in committing such crimes. When Defendant Rebecca Wisner appeared and took the witness stand, she told the court and jurors that, “my children and I did not plan neither did we kill Charloe Musu.” Co-Defendant Gloria Musu Scott during her testimony said they did not kill Charloe but an intruder committed the crime. Co-Defendant Gloria Musu Scott emphatically told the court and jurors, “as a lawyer, I categorically state that the narrative in the Indictment and the Writ of Arrest are all pure lies, which do not form the idea, or concept, nor inclination, or the mind set to harm Charloe Musu, who was so dear to us.” Furthermore, when Alice Johnson took the stand, she told the court that they could not have killed Charloe Musu because she was so precious to them. She further told the court that it was Charloe Musu who taught her how to withdraw and pay her school fees to the bank. Our law provides under section 10.4 of the Penal Law that, *“A person is guilty of conspiracy to commit a crime if, with the purpose of promoting or facilitating its commission, he agrees with one or more persons to engage in or cause the performance of conduct which constitutes the crime, and any one or more of such persons does an act to effect the object of the conspiracy.”*

From the testimonies of the defendants, it is cleared that they conspired to commit the crime because all of them did not only denied killing Charloe Musu but defended all of those who have been charge with the crime of murder.

7. Whether or not the Defendants raised false alarm/false public alarm to law enforcement officers?

The Penal Law of Liberia, section 17.4, defines false public alarm as “a person is guilty of a first degree misdemeanour if he initiates or circulates report or warning of an impending bombing or other crime or catastrophe.

The Defendants knew fully well that they were involved in the killing of Charloe Musu but instead of saying the truth, decided to call the police as though an intruder entered the home which was proven to be false because all of the investigations conducted showed that there was no intruder or armed robber in the said building who killed Charloe Musu. We note herein that “raising false alarm is a first degree misdemeanour.” However, it is charged herein with a first degree felony, the Circuit Court has jurisdiction and the guilty verdict brought down by the trial jury is legally effective because of the murder charge.

8. Whether or not Gertrude Newton can be convicted with the other three (3) defendants despite exercising her right to testify?

Yes, she can because the Supreme Court has opined in 30 LLR page 71, syl. 13, that, “an accused has the privilege not to be called as a witness and not to testify. However, if he fails to explain away incriminating facts and circumstances in evidence, he takes the chance of any reasonable inference of guilt which the jury might draw from the whole evidence.” Therefore, from the proceedings, the Prosecution’s witnesses testified to incriminating facts such as Co-Defendant Gertrude Newton’s instruction to Security Guard Zion Tarr to break the steel window open, her interactions with the alleged intruder in the house and outside of the house. These were testimonies she should have reacted to but she chose to exercise her rights under the Statute not to do so. Accordingly, the jurors having listened to the incriminating facts and circumstances in evidence and Co-Defendant Gertrude Newton failure to testify to rebut the testimonies which implicated her made the trial jurors to draw reasonable inference of guilt.

9. Whether or not the evidence proffered by Prosecution proves the guilt of the defendants for the crimes charged in the Indictment?

The Supreme Court in *Madam Elizabeth Mullehburg v. Republic*, 20 LLR 47 (1970) syl. 9 text at 65 states that, “*In order to convict a person in a court case, the Prosecutor must prove the guilt of the accused with legal certainty as to exclude every reasonable hypothesis his innocence, and all material facts eventual to constitute the crime must be proved beyond reasonable doubt. Otherwise, the accused will be entitled to a discharge.*”

Moreover, the critical elements of a judicial conviction are: the offense is correctly charged in an indictment, admissible evidence are placed before the jury and the evidence so adduced satisfactorily established the guilty of the accused beyond all reasonable doubt.

Predicated upon the facts and circumstances as hereinabove stated, the Prosecution proved its case beyond reasonable doubt and it is the proof of the charge of Murder,

Criminal Conspiracy, and Making False Report to Law Enforcement Officers that left the trial jurors with an abiding conviction to bring down the Defendants guilty. As stated earlier, the Penal Law of Liberia, section 14.1 (a & b) states, that a person is guilty of murder if he purposely or knowingly causes the death of another human being under circumstances manifesting extreme indifference to the value of human life. Defendants Gloria Musu Scott, Rebecca Youdeh Wisner, Gertrude Newton and Alice Johnson knowingly and purposely conspired and inflated serious bodily injuries on the body of Charloe Musu, which subsequently let to her death; they then raised false alarm under pretext that it was an intruder or armed robber.

The Penalty for Murder is Death or Life Imprisonment. New Penal Code of Liberia, section 50.5 & 51.3, respectively. Let it be noted that the both punishments are still in force under the laws of Liberia. However, in view of the prohibition placed on Death Penalty through the International Covenant on Civil and Political Rights (ICCPR), Optional Protocol Two (2) to which Liberia has acceded but has not ratified, we are constrained not to implement the **“DEATH PENALTY.”**

The appellants noted exceptions to the jury’s verdict and trial court’s final ruling, announced an appeal to the Honorable Supreme Court and filed a 100-count bill of exceptions challenging the verdict and the final ruling of the trial court.

However, we have observed that the appellants’ one hundred-count bill of exceptions are repeated testimonies and other happenings at the trial court which we have exhaustively discussed hereinabove. Hence, this Court will not belabor this Opinion by quoting the said 100 counts of the bill of exceptions but will allude to those counts in traversing the facts and circumstances in the case, which we deem relevant to the disposition of the case. *CBL v. TRADEVCO*, Supreme Court Opinion, October Term 2012; *Knuckles v. TRADEVCO*, 40 LLR 49, 53 (2002); *Vargas v. Morns*, 39 LLR 18, 24; *Rizzo et. al v. Metzger et. al*, 38 LLR 476 (1997); *Transport of Belgium v. Family Textile Center*, 38 LLR 49 (1995).

Accordingly, this Court has determined that the only issue dispositive of this case is whether or not the State proved beyond a reasonable doubt that the appellants criminally conspired to murder the late Charloe Musu, and thereafter make false report to law enforcement officers.

We must note at this point, that the theory of the State’s case against the appellants is based on circumstantial evidence, in that there was no direct evidence or eye-witnesses to directly link the appellants to the crime of murder. Hence, in answering the lone issue raised herein above, this Court will proceed to review the State’s circumstantial evidence to determine if it met the conditions precedent for establishing the crimes as levied against the appellants beyond a reasonable doubt.

Circumstantial evidence refers to evidence that indirectly suggests something occurred but does not directly prove it. This type of evidence relies on an inference to connect it to a conclusion of fact. For circumstantial evidence to warrant the finding of a fact, the circumstances must lead to the conclusion with reasonable certainty. In other words, circumstantial evidence must have sufficient probative value to constitute the basis for legal inference. A conclusion must be rationally and logically drawn from the facts established by the evidence when viewed in the light of the common experience. To support the conclusion,

the circumstantial evidence must be capable of convincing a rational trier of facts that the conclusion is more probable than any other alternative. The conclusion based on inferences from circumstantial evidence must not be the result of speculation or conjecture. A jury may not infer an ultimate fact from meager circumstantial evidence which could rise to any number of inferences, none more probable than the other. Additionally, an inference stacked only on other inferences is not legally sufficient evidence.

The Supreme Court has consistently recognized that in homicide cases, when proof of the *corpus delicti* rests upon circumstances, and not upon direct proof, it must be established by the most convincing, satisfactory, and unequivocal proof compatible with the nature of the case, excluding all uncertainty or doubt; that the death of the deceased must be imputed [connected] to a defendant's act, and that absence of this, obviously there is a doubt which as a matter of law must operate in favor of the defendants. *Nimely et al., v Republic* 21LLR 348,357 (1972); *Williams & Williams v Republic*, Supreme Court Opinion, March Term A.D. 2014. The Supreme Court has further held "...that to establish the element of death in the *corpus delicti* the circumstantial evidence must be strong and cogent. It is not sufficiently established by the ill usage, and injuries inflicted on the party alleged to have been killed. To sustain a conviction, proof of the criminal agency is as indispensable as the proof death. Hence, it is essential in all criminal prosecution to prove the elements that constitute the crime and this burden is on the prosecution as a primary requisite." *Nimely et al., v Republic* 21LLR 348,357 (1972); and that where circumstantial evidence is relied upon in a criminal prosecution, proof of a few facts or a multitude of facts all consistent with the supposition of guilt is not sufficient to warrant a verdict of guilt. *Samuel Otto v. Republic of Liberia*, 17 LLR 186, 191 (1966).

As stated earlier, the State paraded thirteen (13) regular witnesses to prove the charges in the indictment. The State witnesses were: Zion Tarr, Moses Wright, Eric Odumoegwu, Mulbah Kamara, Amara S. Terwuleh, Lahai Sarnor, Morris Fumbah, Comfort T. Saydee, Dr. Mamady Guilavogui, Dr. Benedict B. Kolee, Eddie Koon, Anthony T. Blake, Jacob J. Suah, Abu Darmy,

Witness Zion Tarr testified that he was assigned to Co-appellant Gloria Musu Scott's residence as private security; that on the night of February 22, 2023, while he was on duty he heard screams coming from inside the residence of Co-appellant Gloria Musu; that he saw Co-appellants Getrude Newton, Alice Johnson and Ma Rebecca Youdeh Wisner crying out for help through the window on account that an armed robber was in the house and had attacked the late Charloe Musu; that he instructed his fellow security, Anthony Musu, to stand guard at the window with the Co-appellants while he fetched another security, Witness Moses Wright; that upon the arrival of Moses Wright, the Co-appellants were still screaming for help on the basis that an armed robber was in the house; that they (the securities) had to break the window bars to allow Co-appellants Getrude Newton, Alice Johnson and Ma Rebecca Youdeh Wisner out of the house since the entire house was locked and there was no other entry; that Co-appellant Gloria Musu Scott was still in the house screaming for help; that the noise/screams alarmed the nearby neighbors who jumped-over the fence and entered the house through the broken window; that the neighbors brought Co-appellant Gloria Musu Scott and the late Charloe Musu outside of the house; and that no one else was seen leaving the house except the appellants.

Witness Moses Wright, another private security assigned at the residence of Co-appellant Gloria Musu Scott on the night of February 22, 2023, provided similar testimony as Zion Tar to the effect that he heard screams coming from inside the residence of Co-appellant Gloria Musu Scott; that he saw Co-appellants Getrude Newton, Alice Johnson and Ma Rebecca Youdeh Wisner crying out for help through the window on account that an armed robber was in the house; that they had to pry opened the window bars to allow Co-appellants Getrude Newton, Alice Johnson and Ma Rebecca Youdeh Wisner out of the house since the entire house was locked; that the noise/screams alarmed the nearby neighbors who jumped over the fence and entered the house through the damaged window bars; that the neighbors brought Co-appellant Gloria Musu Scott and the late Charloe Musu outside of the house; and that no one else was seen leaving the house except the appellants.

Witnesses Eric Odumoegwu, Mulbah Kamara, Amara S. Terwuleh, Lahai Sarnor, testified that they were among the neighbors who heard the screams coming from the compound of Co-appellant Gloria Musu Scott; that they jumped over the fence and entered the house through the window the securities opened to allow Co-appellants Getrude Newton, Alice Johnson and Ma Rebecca Youdeh Wisner leave the house; that some of the neighbors were afraid to enter the house but Witness Lahai Sarnor was the first to enter the house followed by Witness Amara S. Terwuleh and then other neighbors; that upon entering the house they saw Charloe Musu lying in a pool of blood; that Co-appellant Gloria Musu Scott was holding the deceased; that they brought Co-appellant Gloria Musu Scott and Charloe Musu outside of the house, and took Charloe Musu to the Redemption Hospital where she was pronounced dead. All these witnesses testified that they did not see any intruder in the house.

Witness Comfort T. Saydee, a registered nurse at the Faith Health Center Clinic testified that she was on duty when the late Charloe Musu was brought into the clinic; that the deceased was still alive but unconscious; that given the multiple wounds observed on the body of the deceased and the fact that she was bleeding profusely she advised that the deceased be taken to the Redemption Hospital.

Witness Morris Fumbah testified that he was the attending Physician at the Redemption Hospital who examined the deceased; that during his physical examination he discovered that all her vital signs were absent; that he pronounced the deceased dead and immediately proceeded to treat Co-appellant Alice Johnson who also suffered injuries.

Witness Mamdy Guilavogui a medical doctor at the Redemption Hospital testified that he signed the Death Certificate of the deceased because the attending physician who examined the deceased is not a medical doctor.

Witness Benedict B. Kolee, the State Pathologist testified that he conducted an autopsy on the deceased along with DNA analysis which show that the cause of death of the late Charloe Musu was a homicide; that the deceased sustained multiple traumatic wounds from a sharp object like a knife; that the DNA samples collected from the house and under the deceased finger nails clippings were only females and that there was no male presence in the house.

Witnesses Eddie Koon, Anthony T. Blake, Jacob J. Suah, and Abu Darmy testified that they are investigators for the Liberia National Police who investigated the homicide of the late Charloe Musu; that they received an alert that an intruder had entered the home of Co-appellant Gloria Musu Scott and stabbed the late Charloe Musu to death; that they proceeded to the crime scene and interviewed the appellants, the private security guards and the



neighbors who had responded to the appellants' distress calls; that the appellants informed them about an intruder who had entered the house and attacked them, resulting in the death of Charloe Musu; that the neighbors and private security guards confirmed that they heard the appellants calling for help on account of there being an armed robber in the house; that the security guards and the neighbors responded to the appellants' distress calls, pried open window bar of the guest room window to have access since the entire house was locked; that the appellants were the only ones who left the house on that dreadful night and that no other person was seen coming out of the house; that they inspected the house and discovered blood stain in the corridors of the sleeping quarters along with a torn bra in the bath room; that they discovered iron gates constructed both internally and externally to the house for security purposes; that Co-appellant Gloria Musu Scott had the keys to all the gates; that they discovered that the steel bars to the guest room was broken by the securities and the neighbors to allow Co-appellants Getrude Newton, Alice Johnson and Ma Rebecca Youdeh Wisner out of the house on the night of February 22, 2023; that they also observed that the window bar at Co-appellant Gloria Musu Scott's bathroom was also broken; that they examined the deceased's corpse at the Redemption Hospital and discovered nine (9) stab wounds; that the statements by the appellants regarding an intruder entering the house and killing Charloe Musu was designed by the appellants to mislead law enforcement officers and cover up the crime because there was no break-in and no one else was seen leaving the house on that dreadful night except the appellants; and that they concluded their investigation by charging the appellants with the murder of Charloe Musu.

The above constitutes the totality of the State's evidence to establish beyond a reasonable doubt the crimes alleged in the indictment. This Court says that from the review of the said evidence, it can be summarized that the State entire theory is based on the generalization that since there was no break-in and no evidence of an intruder entering or leaving the house on the night of February 22, 2023, the appellants being the only ones who were with the late Charloe Musu in the house at the time of her demise have knowledge, other than that stated, as to the identity of her murderer, and that their failure to disclose or reveal her murderer is sufficient proof that the appellants conspired among themselves to murder the late Charloe Musu; and that on the night of February 22, 2023, the appellants used a knife to stab Charloe Musu nine (9) different times, which resulted to her death and then provided false information to law enforcement officers to conceal their crimes.

We now proceed to review the appellants' testimonies. The records show that Co-appellants Ma Rebecca Youdeh Wisner, and Alice Johnson testified that a male intruder entered the house on the night of February 22, 2023; that the intruder, while attempting to obtain the house keys from the late Charloe Musu stabbed her several times; that the intruder also stabbed Co-appellants Getrude Newton and Alice Johnson while fighting over the knife; that Co-appellants Getrude Newton and Alice Johnson fled into Co-appellant Ma Rebecca Youdeh Wisner's room; that they began to scream for help to alert the securities and their neighbors; that the private securities broke the window bars in the guest room to help Co-appellants Getrude Newton, Alice Johnson and Ma Rebecca Youdeh Wisner flee from the house; that the late Charloe Musu and Co-appellant Gloria Musu Scott were brought out of the house and that Charloe Musu was rushed to the Redemption Hospital where she was pronounced dead.

We pause here and note that this testimony of Co-appellants Ma Rebecca Youdeh Wisner, and Alice Johnson was also corroborated by Col. Nathaniel Sieh Hodge who testified for the appellants by stating that the murder of Charloe Musu was planned long before the night of February 22, 2023, given the fact Co-appellant Gloria Musu Scott had experienced burglary on two separate occasions without anything being stolen; that the intruder was a professional criminal who broke into the house to commit the murder; that the police investigation was flawed in that the investigators did not find or establish any motive/reason why the appellants will conspire and kill their own relative, Charloe Musu; that the investigator failed to produce the murder weapon as indicated in the charge sheet; and that the investigator overlooked the expertise of the intruder who is an experienced criminal.

The records show that Co-appellant Gloria Musu Scott's testimony corroborated the testimonies of co-appellants Ma Rebecca Youdeh Wisner, and Alice Johnson as to the fact that an intruder entered the house; that she was awakened from sleep by the screams of the other Co-appellants; that she encountered the male intruder outside of her room and managed to use pepper spray on him; and that she joined the other Co-appellants in screaming for help to the securities.

Co-appellant Gloria Musu Scott also corroborated the testimony of Col. Nathaniel Sieh Hodge that her car license plate was stolen at the National Elections Commission in April 2022 while representing a client; that she reported the theft to the Liberia National Police but no investigation was carried out; that thereafter, she experienced burglary on two separate occasions without any valuables being stolen; that she again reported the two burglaries to the Liberia National Police but nothing was done about it; and that the entire criminal case against her is a conspiracy against her and her immediate family.

The records further show that the then Inspector General of the Liberia National Police, Patrick P. Sudue, while testifying as a *subpoena* witness for the appellants, confirmed the theft and prior burglaries alluded to by Co-appellant Gloria Musu Scott, and further testified that the police investigation into the prior burglaries was hindered by the repair work being done on the Co-appellant's house.

We now quote the testimony of the appellants' expert witness, Dr. Matthias I. Okeye, a pathologist, lawyer, forensic expert, and disability analyst from the Nebraska Institute of Forensic Sciences who along with his team of pathologists conducted an autopsy and DNA analysis on the corpse of the late Charloe Musu and prepared an autopsy report:

“In view of the clinical history, forensic death scene investigations and interviews of the four (4) defendants and the findings during the second autopsy and post-mortem examination, the cause of death in this black female, Charloe Musu, is severe blunt force trauma of the head and torso and multiple sharp force trauma to the torso and extremities. The manner of death is homicide. It is my forensic and medical opinion, within a reasonable degree of medical certainty, that the deceased, Charloe Musu, was beaten and stabbed multiple times by an assailant and intruder into her home who attacked her and her relative on the night of February 22, 2023 in Monrovia, Liberia. According to the facts and evidence obtained from the extensive forensic investigations by the forensic team of the Nebraska Institute of Forensic Sciences, Lincoln Nebraska, it is also my expert forensic and medical opinion, within a reasonable degree of medical certainty, that the aforesaid assailant and intruder who attacked and killed Charloe

Musu, probably entered the house through one of the windows after cutting off the metal bars that are installed to protect the windows of the house or could have entered the home earlier and hid somewhere until later at night when all the lights were off and it was dark inside the home. Furthermore, it is my expert forensic and medical opinion, within a reasonable degree of medical certainty, that the above-captioned assailant and intruder must have been a muscular male individual and much bigger than any of the four (4) female defendants. Further, it is my expert forensic and medical opinion, within a reasonable degree of medical certainty, that none of all four (4) defendants individually would have the ability to forcefully inflict these multiple blunt force and sharp force traumatic injuries on Charloe Musu to cause her demise. Further, it is my expert forensic and medical opinion, within a reasonable degree of medical certainty, that none of the above-listed four (4) female defendants could have effectively cut off the metal bars of the house windows to gain access into the house in such a professional and criminal manner.”

“The DNA analysis of the left hand fingernail scrapings and clippings, obtained from the deceased during the second autopsy on November 9, 2023 and analyzed at the Human Identification Laboratory of the University of Nebraska Medical Center, Omaha, Nebraska, USA, showed a generated DNA profile that is consistent with a mixture of two (2) individuals, and Charloe Musu is not excluded as a major contributor while the minor contributor is consistent with a male individual. Further DNA analysis has been performed by running YSTRs on the left-hand fingernails to allow for comparison of any male suspects to the minor male profile from the left hand fingernails obtained from the deceased during the second autopsy.

It is my expert forensic and medical opinion, within a reasonable degree of medical certainty, that the currently unidentified male contributor of the DNA profile identified in the left-hand fingernails of the deceased obtained during the second autopsy is most probably the assailant and intruder into the home of Charloe Musu who beat and stabbed her multiple times to death during the night of February 22, 2023.”

From the foregoing testimony of the appellants’ expert witness we note the following assertions: a) that the deceased, Charloe Musu, was beaten and stabbed multiple times by an assailant and intruder into her home who attacked her and her relative on the night of February 22, 2023; b) that the assailant and intruder who attacked and killed Charloe Musu, probably entered the house through one of the windows after cutting off the metal bars that are installed to protect the windows of the house or could have entered the home earlier and hid somewhere until later at night when all the lights were off and it was dark inside the home; c) that the assailant and intruder must have been a muscular male individual and much bigger than any of the four (4) female defendants; d) that none of all four (4) defendants individually would have the ability to forcefully inflict these multiple blunt force and sharp force traumatic injuries on Charloe Musu to cause her demise; and e) that the unidentified male contributor of the DNA profile identified in the left-hand fingernails of the deceased obtained during the second autopsy is most probably the assailant and intruder into the home of Charloe Musu who beat and stabbed her multiple times to death during the night of February 22, 2023.

Predicated upon the foregoing testimony of Dr. Matthias I. Okeye which invalidated the DNA analysis by the State Pathologist, Dr. Benedict B. Kolee, the State thought it prudent to recall Benedict B. Kolee to refute and disprove Dr. Matthias I. Okeye testimony that the

DNA samples collected from the house of the appellants and on the deceased corpse were only females and not a male DNA.

Strangely, upon taking the witness stand as a recalled witness, Dr. Benedict B. Kolee acknowledged that there was the presence of a male DNA sample in the house and on the deceased left finger nails clipping as indicated in Dr. Matthias I. Okeye DNA analysis, but stated that the male DNA samples were not important since the neighbors –mostly males– had already entered the house and came in contact with the deceased, plus the fact that those that were assisting in the autopsy were mostly males. An excerpt of Dr. Benedict B. Kolee’s testimony on this point reads as follow:

“...In the case of deceased Charloe Musu, she came in contact with so many people who touched her, backed her, and in that process many parts of her body including her extremities (left hand, right hand, left foot, right foot) came in contact with those people potentially leading to the exchange of DNA or the placement of their DNA on parts of her body. Additionally, a first autopsy was performed by me during which I had a lot of male attendants and one female attendant, at the end of that autopsy the body was repackaged and all of those attendants came in close contact with the deceased. The sample in question that is said to have had a minor contribution from a male donor is allegedly on the right hand of Charloe, is by all account a contamination if indeed he [Dr. Matthias I. Okeye] is right, given that Charloe left hand would have touch the skin of that male person that put her on his back while running to the car with the goal to save her life...”

This Court find this response by the State’s pathologist most shocking! Hence we state, that the prior position of Dr. Benedict B. Kolee to cast aside the presence of a male DNA in his autopsy report and then subsequently concede that a male DNA was found on the deceased corpse and in the house but that same was insignificant, raises the question as to whose DNA was on the deceased corpse? Why did Dr. Kolee not proceed to take the DNA of those he mentioned to repudiate what the appellants had alleged about a male intruder? Which of the neighbors’ or strangers DNA was found on the deceased? Which of Dr. Kolee’s male assistant came in contact with the deceased’s body? Why wasn’t the male assistants wearing medical scrubs and gloves during the autopsy in applying the above legal principles to Dr. Benedict B. Kolee’s DNA analysis, it is easy to see that Dr. Benedict B. Kolee’s analysis raises more questions and doubt.

But most importantly, the act by Dr. Kolee in suppressing such key evidence of the presence of a male DNA under the fingertips of the deceased is illegal and tantamount to withholding of evidence from the appellants/defendants by the State, a legal detriment and travesty of justice. Moreover, Dr. Benedict B. Kolee plausible explanation that the male DNA found on the deceased could have been that of the male neighbors or his male assistants who aided him in the packaging of the body during the autopsy is too speculative, hypothetical and pathologically weak to overcome the appellants’ presumption of innocence guaranteed by Article 21(h) of the Constitution and Chapter 2 Section 2.1 of our Criminal Procedure Law, and clear the mind of doubt. Could this speculation not be easily verified?

This Court having carefully reviewed all the State’s and the appellants’ oral and documentary evidence, especially the testimonies of the private security guards, the

testimony of Inspector General Patrick P. Sudue, and the testimony Col. Nathaniel Sieh Hodge, we are unable to ignore the State's allegations that it is possible that the murderer may be among the appellants since no one saw an intruder entering or leaving the house on the night of February 22, 2023; however it should also be quickly noted that this Court cannot rule out the logical inference that a professional criminal [who is perhaps very knowledgeable about the house and the community] may have scaled over the fence, entered the house, and stabbed Charloe Musu to death on the night of February 22, 2023, since it was established that prior intrusions into the home of the appellants were reported to the police.

The indictment specifically alleged that a knife was used by the appellants to stab the late Charloe Musu to death, the State however did not produce the said murder weapon (the knife) that was used to stab the late Charloe Musu, thus a flaw in proving the criminal agency or the direct link between the crime and the appellants.

It is the fact that although the State accused the four appellants for conspiring to murder Charloe Musu, the State however did not demonstrate the individual role/action each of the appellants played in murdering Charloe Musu, or how they are individually connected to the murder of the late Charloe Musu. Without this connection, the State has left us wondering who among the four appellants actually held the knife and stabbed Charloe Musu nine (9) different times that resulted to her death; was it all of them; one person; or two persons? what was the exact role of each of the appellants in the murder of Charloe Musu? or are we to believe that all four appellants jointly held the knife, and in unison stabbed the deceased?

The Supreme Court has held that where circumstantial evidence is relied upon in a criminal prosecution, proof of a few facts or a multitude of facts all consistent with the supposition of guilt is not sufficient to warrant a verdict of guilt. *Samuel Otto v. Republic of Liberia*, 17 LLR 186, 191 (1966) In fact, the Supreme Court has consistently recognized that in homicide cases, when proof of the *corpus delicti* rests upon circumstances, and not upon direct proof, it must be established by the most convincing, satisfactory, and unequivocal proof compatible with the nature of the case, excluding all uncertainty or doubt; that the death of the deceased must be imputed [connected] to a defendant's act and that absence of this, obviously there is a doubt which as a matter of law must operate in favor of the defendants. *Nimely et al., v Republic* 21LLR 348,357 (1972); *Williams & Williams v Republic*, Supreme Court Opinion, March Term A.D. 2014.

This Court says that consistent with the principles of law cited herein above, the State in gathering its circumstantial evidence and building its case against the appellants should have clearly established the criminal agency of the appellants by individually connecting each of the appellants to the commission of the crime of murder in terms of their role; and then exclude every inference of reasonable doubt as to their involvement in the commission of the crime.

This position of the Supreme Court adopted herein is strongly supported by our manifold Opinions which states that in order to convict a criminal defendant, the prosecution must prove the guilt of the accused with such legal certainty as to exclude every reasonable

hypothesis of his innocence; that material facts essential to constitute the crime charged must be proven beyond a reasonable doubt; otherwise the accused will be entitled to discharge. *John B. Dyson v. Republic of Liberia*, 1 LLR 481, 483 (1906); *Madam Elizabeth Davis v. Republic of Liberia*, 40 LLR 659, 675-676 (2001).

The Supreme Court held that when circumstantial evidence alone is relied upon, the facts and circumstances must form a complete chain and point directly to the guilt of the accused and that every fact essential to the conclusion must be distinctly and independently proven by competent evidence. *Padmore v. Republic* 3 LLR 418 (1933); *Otto v. Republic* 17 LLR (1966).

Further, although the State's entire case is built on circumstantial evidence regarding the killing of the late Charloe Musu by means of a knife, there is no evidence in the records establishing the criminal agency or the link between each of the appellants to the crime. As a result of this weak link in the chain of the State circumstantial evidence, the State's generalized theory began to crumble under the weight of the appellants' oral and documentary evidence which created more reasonable doubts in the State's case.

It is the law in vogue that in all criminal cases the defendant shall be presumed innocent until the contrary is proved beyond a reasonable doubt; and in cases of a reasonable doubt where his guilt is not satisfactorily shown, he is entitled to an acquittal. Article 21(h) of the Constitution, Criminal Procedure Law Rev Code 2:2.1; *John B. Dyson v. Republic of Liberia*, 1 LLR 481, 483 (1906); *Madam Elizabeth Davis v. Republic of Liberia*, 40 LLR 659, 675-676 (2001).

This Court says that because there are no answers in the records to the numerous questions raised herein, and unanswered, the questions raise a strong reasonable doubt and under our laws, in order to overcome the presumption of innocence, proof of a defendant's guilt must be established beyond a reasonable doubt. *Jamal Eldine v. Republic of Liberia*, 27 LLR 133, 47 (1978).

We again state that there's irrefutable proof from the Liberia National Police which established that the home of Co-appellant Gloria Musu Scott was burglarized on two separate occasions without any valuable being stolen. Hence, we can logically infer that if the burglary happened before on two different occasions, it is highly possible it was repeated on the night of February 22, 2023.

Now, in resolving these conflicting views regarding the guilt of a criminal defendant, Article 21(h) of the Constitution and the Criminal Procedure Law Rev Code 2:2.1 clearly states "...in cases of a reasonable doubt where the defendant guilt is not satisfactorily shown, he is entitled to an acquittal.

The Supreme Court in addressing conflicting theories as to the guilt of a criminal defendant in a trial even in the face of strong and convincing incriminating evidence has held thus:

*"the finding of one fact inconsistent with the guilt of the accused may be sufficient to create reasonable doubt of his guilt. If the circumstances established are dependent one upon another, each must be consistent only with the theory of guilt*

*in order that a conviction may stand; but if the circumstances are independent, the prevailing view is that weak links in the chain may be strengthened by the stronger ones. Again, if the circumstances, no matter how strong, can be reasonably reconciled with the theory that some other person may have done the act, the defendant should not be convicted. [Note our Emphasis] Nimely et al., v Republic 21LLR 348,356 (1972)*

The facts in the *Nimely et al., v. Republic* which is closely analogous to the present case reveal that Defendants Anthony Nimley, Charles Tarpeh, William Nimley, Monday Nagbe and Jacob Pennoh were indicted for the murder of Charles Wesseh. The State in the indictment alleged that the defendants had tied the deceased with a rope and beat the deceased with an electric wire that eventually led to his death. During the trial of the defendants the State witnesses corroborated each other testimony that they saw the deceased in the mist of the defendants tied and beaten for being a rogue and was later taken to the Kru Governor residence. It is unfortunate to note that beside this corroboration, none of the State witnesses could identify as to which of the defendants tied the deceased, or beat the deceased, or the alleged wire the deceased was beaten with. To make matter worst, the State pathologist who conducted an autopsy on the deceased reported that it was highly possible the deceased died from either intense body injury or from drowning in water. The defendants were convicted in the trial court but the Supreme Court reversed and acquitted the defendants on grounds that the State failed to establish the criminal agency and that the circumstantial evidence relied on by the State did not prove the defendants' guilt beyond a reasonable doubt. Mr. Justice Azango speaking for the Supreme Court stated thus:

“...To sustain a conviction, proof of the criminal agency is as indispensable as the proof death. In the trial of homicide, the death of the deceased must be imputed [connected] to a defendant's act and that absence of this, obviously there is a doubt which as a matter of law must operate in favor of the defendants. When proof of the *corpus delicti* rests upon circumstances, and not upon direct proof, it must be established by the most convincing, satisfactory, and unequivocal proof compatible with the nature of the case, excluding all uncertainty or doubt; and that the circumstantial evidence must be strong and cogent to establish the element of death in the *corpus delicti*. If the circumstances, no matter how strong, can be reasonably reconciled with the theory that some other person may have done the act, the defendant should not be convicted...”

This Court confirms the principle of law in the *Nimely case* and in applying same to the present case, is of the view that the records in the present case show that the State miserably failed to establish the criminal agency between the appellants and the crime, in that the State failed to produce the murder weapon (knife) that it claimed the appellants allegedly used to stab the late Charloe Musu, or prove the link/role between each of the appellants to the crime. In addition, the State also failed to present evidence that would exclude every reasonable possibility that the same intruder who burglarized the co-appellant's house on two different occasions may have broken in for the third time and committed the murder. Given the aforesaid, plus the autopsy report which show the presence of an unknown male DNA on the deceased corpse, we are compelled to reach the same conclusion as the Court in the *Nimely case* did by holding that “*if the circumstances, no matter how strong, can be*

*reasonably reconciled with the theory that some other person may have done the act, the defendant should not be convicted.”*

The Supreme Court has consistently held that “in a criminal trial everything calculated to elucidate the [crime] should be reviewed, since the conclusion depends on a number of links which alone are weak but taken together are strong and able to lead the mind to a conclusion [that the accused committed the crime]. *Kpolleh et al., v. Republic* 36 LLR 623, 669 (1990).

Reasonable doubt, says the law, is that state of the case which after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say and feel an abiding conviction to a moral certainty of the truth of the charge. Reasonable doubt is a certainty that convinces and directs the understanding and satisfies the reason and judgment of those who are bound to act conscientiously upon it. *Collins v. Republic* 22 LLR 365, 371 (1974). Also, “in a criminal prosecution, in order to eradicate every reasonable doubt, the evidence must be conclusive; and if it be circumstantial, it should be so connected as to positively connect one element within another for a chain of evidence sufficient to lead a mind irresistibly to the conclusion that the accused is the guilty party.” *Elizabeth Davies v. Republic*, 40 LLR, 659, 679 (2001); *Tody Heith v. Republic*, 39 LLR 50, 64-65(1998); *J. Kamara Burphy v. The Bureau of Traffic*, 25 LLR 12, 23 (1976). We need not reiterate that where circumstantial evidence is relied upon in a criminal prosecution, proof of a few facts or a multitude of facts all consistent with the supposition of guilt is not sufficient to warrant a verdict of guilt. *Samuel Otto v. Republic of Liberia*, 17 LLR 186, 191 (1966).

We hold that because the State circumstantial evidence failed to connect link by link the chain needed to lead any reasonable mind to the conclusion that the appellants did murder Charloe Musu, the verdict and trial court’s final ruling as to the charge of murder being unsupported by the evidence and the controlling laws must crumble.

As to the crimes of criminal conspiracy and making false statements to law enforcement officials, this Court says that the basis of these charges against the appellants is that the appellants conspired to murder the late Charloe Musu and that the appellants having committed the said crime of murder acted in concert to provide false information to law enforcement officials for the sole purpose of concealing the crime of murder. This Court, having established from the records that the appellants did not commit the crime of murder, we fail to see what crime the appellants conspired to have committed for which the allegations of criminal conspiracy and making false statements to law enforcement officials will lie and we so hold.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the final ruling of the trial court confirming the verdict of the jury is hereby reversed. The appellants, Gloria Musu Scott, Ma Rebecca Youdeh Wisner, Getrude Newton and Alice Johnson are ordered immediately released from further detention at the Monrovia Central Prison and their civil rights, liberties and all other constitutional and statutory rights are hereby immediately restored. AND IT IS HEREBY SO ORDERED.

*When this case was called for hearing, Counsellors Frances Johnson Allison, Philip A. Z. Banks, III., Kabineh M. Ja’neh, Medina Wesseh, Richard Scott, Jimmy Saah Bombo, Mark*



*M. M. Marvey, S. Mohammed Sheriff, F. Juah Lawson, and Amara M. Sheriff appeared for the appellants. Counsellors Alhaji Swaliho A. Sesay, County Attorney, Montserrado County, J. Adolphus Karnuah, II., Sumo Kutu Acquoi, and Bobby Livingstone, all of the Ministry of Justice, appeared for the appellees.*