

thereon; and that one sneaker was also discovered at or about the scene of the incident, bearing suspected bloodstains, specifically at the location where co-appellant Emmanuel Flomo was alleged to have set a trap. Based on these findings coupled with witness testimonies obtained during the investigation, the appellants were arrested on January 1, 2025, in connection with the death of Madam Keleko. Thereafter, upon further investigation and a determination that probable cause existed, the Police charged the appellants with the crimes of murder and criminal conspiracy. Subsequently, on March 6, 2025, the Grand Jury for Lofa County returned a sixteen (16) count indictment against the appellants for murder, criminal conspiracy, and felonious restraint.

The indictment alleged, *inter alia*, that on December 31, 2024, between the hours of 11:15 a.m. and 5:45 p.m., the appellants conspired and committed the crimes of murder and felonious restraint by unlawfully restraining the victim, Moiyongor Keleko, and inflicting severe bodily injuries upon her with sticks, under circumstances manifesting extreme indifference to the value of human life, which injuries resulted in her death. The indictment further alleged that appellants Emmanuel S. Kollie, Aaron S. Kollie, and Lamai Flomo conspired to murder the victim by restraining and brutally assaulting her on her farm. Police investigation reportedly established that Emmanuel S. Kollie had previously threatened the life of the victim over a farmland dispute; and, that witnesses placed both Emmanuel S. Kollie and Aaron S. Kollie in the vicinity of the crime scene on the day of the incident. It was also alleged that physical evidence gathered during the investigation, including bloodstained weapons, clothing, and footwear, corroborated the allegations against the appellants. Hence, the appellants were arrested and subsequently brought under the jurisdiction of the court to answer to the indictment.

Upon arraignment on May 30, 2025, the appellants pleaded not guilty, thereby placing the burden on the prosecution to prove the allegations beyond a reasonable doubt. Thereafter, a petit jury was duly empaneled to try the issues thus joined.

At trial, the prosecution presented seven (7) witnesses to testify in substantiation of the allegations charged in the indictment. On the other hand, the appellants presented three (3) regular witnesses and five (5) subpoenaed witnesses. Following the resting of evidence *in toto* by the parties and the submission of their respective closing arguments, the trial court charged the jury to return a verdict in keeping with the evidence adduced at the trial. Following their deliberation, the jury returned a guilty verdict against co-appellants Emmanuel Flomo and Aaron Kollie guilty of the

crimes of murder, felonious restraint, and criminal conspiracy; as to co-appellant Lamini Flomo, the jury found him guilty of only felonious restrain and criminal conspiracy.

Thereafter, the appellants filed a motion for new trial on ground that the verdict was contrary to the weight of the evidence. The trial court, following a hearing on the motion, *pro et con*, ruled denying same, and thereafter rendered its final ruling, confirming the verdict of the jury. The court then instructed the Bureau of Probation Services to conduct a pre-sentence investigation of the appellants and forward the report therefrom to the court for sentencing of the appellants.

This Court notes that the trial court acted within the pale of the law when it referred the appellants to the Bureau of Probation Services for the conduct of a pre-sentence investigation, and ruling is in consonance with the Criminal Procedure Law Rev. Code:2.31.5(a), states thus:

“The Court shall not impose sentence without first ordering the Probation Services of the Court to make a pre-sentence investigation of the defendants and according due consideration to a written report of such investigation where:

(a). The defendant has been convicted of a crime punishable by more than one year imprisonment.”

Upon rendition of Final Judgment, the [trial] court mandated the Bureau of Probation Services to conduct a pre-sentence investigation of the defendants and to submit a report regarding their findings. The Probation Services complied with the court’s mandate, conducted the investigation and submitted its report. The Report [which] was read during sentence hearing contained a recommendation for the court to use its legal discretion in sentencing co-defendants Lamine Flomo and Emmanuel Flomo by taking into consideration that the said co-defendants are violent in nature and a threat to society.

The report further showed that co-defendant Aaron Kollie is a first-time offender, and the court should exercise its legal discretion in sentencing him. However, they recommended that, based on the crimes for which he was convicted, the court should consider the recommendations contained therein and further treat the said report as representing the voices of the people of Duogomai, whose citizen was killed by the defendants...

The court notes the recommendations contained in the Probation Report and also takes note of what Counsel for the Prosecution submitted to this court, as well as the request made by Counsel for the defendants.

Following the submission of the pre-sentence report to the trial court, a sentencing hearing was conducted and thereafter sentence was imposed on the appellants accordingly.

This court says that since the Probation Report indicates that co-defendants Lamini Flomo and Emmanuel Flomo are violent people and a threat to society, and further considering that co-defendant Lamini Flomo was found guilty of Criminal Conspiracy and Felonious Restraint, Section 10.4.9 of the Penal Law of Liberia states that "the penalties provided in Section 10.1(4) shall be applicable to persons convicted of conspiracy." Co-defendant Lamini Flomo, having been indicted for the commission of the crimes of Criminal Conspiracy, Felonious Restraint, and Murder, is hereby sentenced to five years' imprisonment for the crime of Criminal Conspiracy, consistent with Section 10.1(4)(a) of the Penal Law of Liberia.

However, since Lamini Flomo was forwarded to this court on January 13, 2025, and was committed to prison on the same date, having been in detention for almost six months prior to the imposition of this sentence, the said six months are hereby deducted from the five years, consistent with Section 34.4(1) of the Criminal Procedure Law of Liberia, which states:

When a defendant who is sentenced to imprisonment has previously been detained in any correctional or other institution following his arrest for the crime for which such sentence is imposed, such period of detention following his arrest must be deducted from the maximum term, and from the minimum term if any." Meaning, he shall now serve a prison term of four years and six months for Criminal Conspiracy.

With respect to the crime of Felonious Restraint, which is classified as a felony of the third degree under Section 14.51 of the Penal Law and has now been reclassified as a misdemeanor of the first degree carrying a maximum sentence of one year's imprisonment, co-defendant Lamini Flomo is hereby sentenced accordingly. However, since he has already spent six months in detention as a pre-trial detainee, the said six months are hereby deducted from the one-year sentence imposed. Meaning, he shall now spend six months in prison for the crime of Felonious Restraint. These sentences shall run concurrently.

With respect to co-defendants Emmanuel W. Flomo and Aaron S. Kollie, having been found guilty of Criminal Conspiracy, Felonious Restraint, and Murder, they are hereby sentenced to five years' imprisonment for Criminal Conspiracy in keeping with Section 10.1(4)(a) of the Penal Law of Liberia. However, since they have already spent six months in detention, the said six months are hereby deducted from this sentence. Meaning, each of them shall now serve four years and six months in prison for the crime of Criminal Conspiracy. Further, they are also sentenced to one year's imprisonment for

the crime of Felonious Restraint, which is classified as a felony of the third degree under Section 14.51 of the Penal Law and has now been reclassified as a misdemeanor of the first degree carrying a maximum sentence of one year's imprisonment. However, since they have already spent six months in detention prior to the imposition of this sentence, the said six months are hereby deducted from the one-year sentence imposed for Felonious Restraint. Meaning, they shall now serve six months for the crime of Felonious Restraint.

Further, Section 14.1 of the Penal Law states that "murder is a felony of the first degree, but a person convicted of murder may be sentenced to death or life imprisonment as provided in Sections 50.5 and 51.3 under sentencing." Therefore, this court says that defendants Emmanuel W. Flomo and Aaron S. Kollie, having been found guilty of Murder, are hereby sentenced to life imprisonment. These sentences shall run concurrently."

The appellants noted exceptions to the final ruling of the trial court and the sentences imposed on them, and announced an appeal to the Supreme Court; hence the present appeal

The alleged errors imputed to the trial are couched in the appellants' twenty (20) count bill of exceptions for our review. It is the law that notwithstanding the number of errors purported to have been committed by the trial judge, as contained in an appellant's bill of exceptions, it is the prerogative of the Supreme Court to determine which errors are germane to the determination of the appeal. Also, as the Constitutional Court with final appellate jurisdiction in all cases, the Supreme Court need not pass upon every issue presented in a bill of exceptions except those that are determinative of the appeal at bar. *Olivia Newton v. Augustus D. Kormah*, Supreme Court Opinion, October Term, A. D. 2022; *CBL v. TRADEVCO*, Supreme Court Opinion October Term 2012; *Knuckles v. TRADEVCO*, 40 LLR 49, 53(2000); *Vargas v. Morns*, 39 LLR 18, 24 (1998); *LAMCO J.V. v. TRADEVCO*, 26 LLR 554 (1978).

Having considered the appellants' twenty (20) count bill of exceptions, we are of the opinion that the issue which would bring finality to this case is "*Whether the quantum of evidence adduced by the State during trial was sufficient to uphold a guilty judgment against the appellants.*"

The appellants contend that the evidence adduced by the prosecution was inconsistent, second-hand, and speculative, and failed to directly or circumstantially link them to the commission of the crimes charged. They argue that the trial court

was under a legal duty to grant their motion for judgment of acquittal notwithstanding the presence of a jury, and that its failure to do so constitutes reversible error. The appellants further contend that the denial of their motion for new trial and the affirmation of the jury's verdict violated their constitutional and statutory rights.

The appellee, Republic of Liberia, contends that the prosecution successfully established a prima facie case against the appellants through the presentation of substantial circumstantial evidence which, when viewed collectively, was sufficient to warrant submission of the case to the jury. According to the appellee, the evidence adduced at trial demonstrated motive arising from a longstanding land dispute between the appellant, Emmanuel W. Flomo and the deceased, Moiyongor Keleko; that the appellants were seen in the vicinity of the crime scene during the relevant period; and that the prior threats allegedly made against the deceased, which *evinced animus* and intent. The appellee further asserts that the recovery of physical evidence, including bloodstained implements, footwear, and other items at or near locations identified by the appellants themselves, provided corroborative support for the prosecution's theory of the case. Additionally, the appellee maintains that the appellants' conduct before and after the incident, including their presence in the bush and unexplained absence or flight from the immediate scene, constituted behavior consistent with consciousness of guilt, a circumstance this Court has previously recognized as probative in criminal prosecutions.

Pursuant to both constitutional and statutory mandates, and consistent with the fair administration of justice, this Court is obliged to address the doctrine of reasonable doubt as it relates to the appellants' guilt. The Constitution of Liberia, Article 21(h), unequivocally provides that in all criminal proceedings, "an accused shall be presumed innocent until the contrary is proved beyond a reasonable doubt." *Liberian Constitution, Art. 21(h)* (1986). This presumption of innocence is not a mere formality; it is a substantive safeguard that lies at the very foundation of our criminal jurisprudence.

In harmony with the above-mentioned constitutional guarantee, the Criminal Procedure Law reinforces the principle by declaring that "a defendant in a criminal action is presumed to be innocent until the contrary is proved; and, in case of reasonable doubt as to whether his guilt is satisfactorily shown, he is entitled to an acquittal." *Criminal Procedure Law, Rev. Code:2.2.1*. Thus, the constitutional text and statutory command converge upon a single, unyielding standard: no conviction

may stand unless the prosecution's evidence dispels every reasonable doubt and establishes guilt with moral certainty.

Before proceeding with the dispositive issue, this Court finds it necessary to first speak to a collateral issue which is asserted throughout the appellants' bill of exception, *viz.*: that the trial judge erred by not granting their submission for a judgment of acquittal.

It is worth noting that the trial court's ruling on the appellants' submission for a judgment of acquittal was interlocutory and as such reviewable *via* the remedial process. However, the appellants' failure to pursue the requisite remedial writ to have had the decision reviewed by the Justice then presiding in the Chambers of the Supreme Court is tantamount to a waiver of their rights to have had this alleged decision reviewed and if found wanting, to be corrected. The Supreme Court has held that a writ for remedial process must be pursued with such speed and timeliness so as to avoid unnecessary delay in the trial of cases in the inferior courts; and when an interlocutory ruling is made in the lower court, the aggrieved party must immediately seek remedial relief. To however wait until the proceeding progressed to another stage with the participation of the aggrieved party, removes the particular ruling from the ambit of a remedial process and may properly be a subject of a regular appeal. *Firestone v. His Hon. Joseph N. Nagbe et al.*, Supreme Court Opinion, March Term, 2020; *Bea George Cooper v. His Honor, Joseph N. Nagbe et al*, Supreme Court Opinion, October, A.D. 2019. We therefore hold that the issue of whether the trial judge erred for denying the appellants' submission for a judgment of acquittal is now moot for consideration by this Court and therefore cannot be assigned as an error for our consideration.

Proceeding to the issue dispositive of this appeal, we note that the prosecution's theory is that the appellants jointly restrained the deceased victim and assaulted her with a stick and a cutlass, and that, in the course of these acts, the victim's neck was broken, eventually resulting to her death. Based on these allegations, the prosecution charged the appellants with the crimes of murder, criminal conspiracy, and felonious restraint, as defined under Sections 14.1, 10.4, and 14.51, respectively, of the Penal Law, Rev. Code 26. We quote below the referenced sections of the Penal law, to wit:

The *Penal Law, Rev. Code:26.14.1* states that "A person is guilty of murder if he:

- (a) Purposely or knowingly causes the death of another human being; or
- (b) Causes the death of another human being under circumstances manifesting extreme

Indifference to the value of human life. A rebuttable presumption that such indifference exists 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.

Murder is a felony of the first degree but a person convicted of murder may be sentenced to death or life imprisonment as provided in Sections 50.5 and 51.3

The *Penal Law, Rev. Code:26.10.4.1* states “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.”

The Penal Law, Rev. Code:26.14.51

A person commits a felony of the third degree if he knowingly:

- (a) Restrains another unlawfully in circumstances exposing him to risk of serious bodily injury; or
- (b) Restrains another with the purpose of holding him in a condition of involuntary servitude.”

During the course of the investigation conducted by the Liberia National Police (LNP), they uncovered a cutlass with alleged blood stain thereon, a stick measuring about 2.5 feet, and a foot of sneakers both with alleged blood stains on them. The cutlass and the stick were presented as the murder instruments, the *corpus delicti* of the crime.

In establishing the link between the crimes charged and the commission thereof by the appellants, the prosecution presented six (6) regular witnesses and one subpoenaed (1) witness to offer testimonial evidence to show that the appellants committed the crimes charged against them.

As we perused the testimonies offered by these State witnesses, we observed a common pattern in most of the witnesses' testimonies. During direct examination, most of the witnesses were asked the following question: "who killed her [Madam Moiyongor Keleko]"? and all the answers that were provided directly accused the appellants. For instance, the State's first witness in person of Saybah Kpadeh testified that she is from Duogomai Town; that she is a farmer; that she knows the appellants, and also knew the deceased victim; and then the following question is posed to the witness: "Q. Madam witness, will I be too curious to ask you who killed her, if you know?"; to which question the witness responded: "those that killed her, there [were] three names called: Aaron Kollie, Lamini Flomo, and 'old man Gbano' [alias for Emmanuel Flomo].

With this definitive answer, a reasonable person would assume or expect that the witness may have witnessed the act, or that she may have acquired this information through some indirect association of the incident that led to the death of the victim. However, the only information offered to support this statement by the witness is that she encountered co-appellant Lamini Flomo on two occasions at the spot where the deceased victim's body was discovered; that she most often pass co-appellants Emmanuel Flomo and Aaron Kollie on her way to her farm; that on one occasion, she had an argument with co-appellant Emmanuel Flomo, during which argument the said co-appellant stated "I will set record on the road for you; you will see fire on the road." On cross examination, the witness confirmed that she knew the appellants and that they grew up together; that she knew the co-appellant Emmanuel Flomo to be someone who threatens people in the community; that she has known the co-appellant Lamini to be disrespectful, even to his mother, and as such, she does not bother with him...

This Court finds the assertions of the State's first witness irrelevant in proving that the appellants indeed committed the crimes charged, as the said witness had definitively stated earlier in her testimony. It is the law that "*all evidence must be relevant to the issues; that is, it must have a tendency to establish the truth or falsehood of the allegations or denials of the parties or it must relate to the extent of the damage.*" *Civil Procedure Law, Rev. Code: 1:25.4; Jerry Korlubah v. RL, Supreme Court Opinion, March Term (2020).*

Similar to the first witness testimony, the State second witness testified as follows: that he a resident of Duogomai Town; that the victim was his biological sister, and that co-appellant Emmanuel Flomo is the son of his uncle, and that co-appellant Lamini is the son of Emmanuel Flomo; that the victim and co-appellant Emmanuel Flomo were known to have been engaged in a quarrel involving a parcel of land which both parties were claiming; that the co-appellant Emmanuel Flomo always threatened the victim for the referenced land; that the co-appellants Aaron Kollie and Emmanuel Flomo have farms around the area the victim's body was discovered. On cross examination, the witness confirmed that he and co-appellants Emmanuel Flomo and Lamini Flomo share family relationship; that although he was not on the scene at the time of the incident that resulted to the death of the victim, but after he received the news, he went on the scene along with other members of the town; that the look of the scene showed that there had been a tussle between the victim and her assailants, which he assumed to be two persons. As in the case of the first witness, the second witness was asked the following question: "Q. Mr. witness, please tell this Honorable Court and the jury, if you can, who do you think brutally killed this woman?"; and in response, the witness stated: "A. I believe that Emmanuel Flomo is the one..." Again, this assumption is premised on mere speculation without any direct or closely-linked circumstantial proof to support the allegation. This Court has held on innumerable occasions that mere allegation does not constitute proof; *Universal Printing Press v. Blue Cross Insurance Company*, Supreme Court Opinion, March Term, 2015; *Kamara et al. v. The Heirs of Essel*, Supreme Court Opinion, March Term, 2012; for it is only evidence that will enable the Court to decide with certainty, the issues in dispute. *Cooper et al v Cooper Estate et al.*, 39 LLR 750, 757 (1999).

The State's third witness, Yarkpawolo Kortee, also testified that he knew the appellants and the deceased victim. The witness further testified that when he, in his capacity as Youth Leader, along with his team visited the scene where the victim's body was discovered, the area appeared that there was a tussle between the victim and her assailants; that the Town Chief requested the youth leadership to guard the scene of the incident; that while on guard, one of the appellants, in person of Aaron Kollie was arrested late night on the 31st of December, 2024, while coming from the bush around the area where the body of the deceased body was lying; that the co-appellant voluntarily agreed to go along with him and some members of his team to be presented to the Town Authority. The witness further testified that the Town

Authority provided a list containing eight (8) names of suspects to the Police, and that the appellants were named on the said list; that the Police elicited the aid of the Youth Leadership to get the individuals who were named as suspect, and when bringing said individuals to the Police, the Leadership was to carry along their cutlasses; that the first two person that were presented to the Police were Abraham Kollie and Yarkpawolo Moisema; that co-appellant Emmanuel Flomo presented his cutlass along with his working clothes that he used on the day of the incident; that during the interview, it was discovered that co-appellant Emmanuel Flomo's cutlass had blood stain on it, although he had said he had not killed any animal in more than three (3) months; that the co-appellant did set some traps, as he claimed, and those traps were around the area where the incident had occurred. The witness further testified to an alleged statement that was made to him by one of the suspect, in person of Yarkpawolo Moisema, to the effect that he saw two persons around the body of the victim, both wearing mask, and upon seeing him they fled the scene; that the said two persons were identified as Aaron Kollie and Lamini Flomo. It is worth noting that this witness too definitively named co-appellant Emmanuel Flomo as the perpetrator of the crime of murder, based on the assertions contained in his testimony.

The State fourth witness also testified that he was of the view that the co-appellant, Emmanuel Flomo was the perpetrator of the crime of murder because he had threatened to take the life of the victim on more than one occasion prior to the victim's demise.

The fifth witness, in person of Augustine Tarnue testifying in his capacity as the County Coroner for Lofa County narrated that following the discovery of the deceased, he convened a fifteen (15) coroner jury to conduct an examination of the suspicious death. The witness further testified that based on their examination of the deceased body, which examination revealed multiple wounds on diverse parts of the victim's body; that a stick was discovered near the body with blood stain thereon; that the wounds appeared to have been caused by a sharp instrument, and the bruises on parts of the body, including at the back of her neck were caused by a stick, presumably the stick found near the body. The witness also testified that during the course of their investigation, they found two (2) cutlasses, one with blood stain and the other with "banana water", and a foot of sneakers with blood stain thereon.

The State's sixth witness, though subpoenaed, was or ought to have been, the most critical witness in the prosecution's case, given his central role in the investigative process that led to the arrest and subsequent indictment of the appellants. This witness, Detective Chief Inspector Stephen T. Yarwo of the Liberia National Police (LNP), Commander of the Crime Services Division (CSD), Voinjama, assigned to the Voinjama Police Barracks in New Voinjama City, Lofa County, was the officer who spearheaded the investigation into the death of the deceased victim.

In his testimony in chief, the witness stated that on December 31, 2024, he received a call from the County Coroner of Lofa County informing him of a homicide in Duogomai Town. On the following day, he and other Police Officers, accompanied by the County Coroner, medical personnel, and members of the town, visited the crime scene. He testified that a stick bearing bloodstains was recovered from the scene. Following the visit, the Police commenced their investigation by identifying individuals who had traveled the road leading to the scene of the incident. Based on information gathered through inquiries, the appellants and several other persons were identified as potential suspects.

The witness further testified that during the investigation, two witnesses informed the Police that co-appellant Emmanuel Flomo and the deceased had previously been involved in a dispute over family farmland, and that, arising from this dispute, the said co-appellant had threatened to kill the deceased on several occasions. He also testified that items recovered during the investigation included a blood-stained stick found near the deceased's body, a cutlass, and a foot of sneakers belonging to co-appellant Emmanuel Flomo, both of which also bore bloodstains. Additionally, the witness testified that an eyewitness, Zubuh Kadee, informed the Police that he had seen co-appellant Emmanuel Flomo on the day of the incident carrying a stick measuring approximately 2.5 meters, which the eyewitness later identified as the same blood-stained stick recovered near the victim's body.

The witness further narrated that the co-appellants Lamini Flomo and Aaron Kollie were arrested based on information obtained from town residents that the two defendants had gone into the bush to hunt on the day of the incident. He further testified that the co-appellant Aaron Kollie was also apprehended around 2:00 a.m., following the discovery of the victim's body, while returning from the bush and walking along the path where the body was found. The co-appellant Lamini Flomo was apprehended in the bush by town members after his absence from the town prior to

the commencement of the Police investigation on January 1, 2025. According to the witness, Lamini Flomo and Aaron Kollie became persons of interest based on witness testimony, particularly that of Forkpa Korvah, who informed the Police that one of the suspects then in Police custody, Yarkpawolo Moisema, had told him that on the evening of the incident, while returning home from collecting bamboo worms, he observed the co-appellants Aaron Kollie and Lamini Flomo fleeing the crime scene. However, the witness confirmed that he did not personally obtain this information from suspect Moisema, as Moisema's statements to the Police were inconsistent.

Regarding statements given to the Police by the appellants, the witness testified that co-appellant Emmanuel Flomo acknowledged ownership of the blood-stained sneakers but denied ownership of the blood-stained stick recovered from the scene. He further testified that co-appellant Aaron Kollie stated that on the day of the incident he went hunting and killed two animals, one of which he allegedly presented to the town leadership and the other given to his wife to sell. The witness testified that co-appellant Aaron Kollie failed to substantiate this claim and that the Police did not verify the assertion by questioning any of the individuals to whom the animals were allegedly presented. As to the co-appellant Lamini Flomo, the witness testified that in his statement to the Police, Lamini Flomo indicated that on the day of the incident he and the co-appellant went into the bush, after which he went hunting alone, but having caught no animal he remained in the bush.

Before concluding his direct testimony, the witness identified and testified to photographs of two cutlasses and the stick recovered from the scene, which the Police believed to be the instruments used in the commission of the crime. One cutlass was identified as belonging to co-appellant Emmanuel Flomo, and the other as belonging to suspect Yarkpawolo Moisema.

On cross-examination, the witness testified that the cutlass identified as belonging to Yarkpawolo Moisema was included among the fruits of the crime because it also bore bloodstains. He further testified, in response to questions concerning his visit to the traps co-appellant Emmanuel Flomo claimed to have set on the day of the incident, that a stick which the appellant claimed he had used to set his trap was discovered at the location; however, the eyewitness who had earlier seen the co-appellant with a stick disagreed that it was the same stick. The witness also

confirmed on cross-examination that no fingerprint analysis was conducted on the stick recovered from the crime scene.

The State's seventh witness, Tarnue Zayzay, testified that he served as Town Chief of Duogomai Town from 2020 to 2024. He stated that during his tenure, in 2022, there was a land dispute between the deceased victim and the co-appellant Emmanuel Flomo, and that as a result of the dispute, the co-appellant stated that the land in question belonged to him, and if the deceased victim "make any attempt, it will be different". With respect to the co-appellants Lamini Flomo and Aaron Kollie, the witness testified that on the day of the incident, which he described as "the day they killed the late oldma Moiyongor Keleko", the two co-appellants left the town at approximately 3:00 p.m., claiming they were going hunting. Less than thirty minutes later, news of the victim's death was reported.

As we mentioned *supra* in this Opinion, our scrutiny of the testimonies provided by the State's witnesses disclose a recurring and troubling pattern. Several witnesses were asked, during direct examination, to identify "who killed" the deceased. Each responded by naming one or more of the appellants. However, none of these witnesses testified from personal knowledge or direct observation of the commission of the crime. Their accusations were not supported by eyewitness accounts, forensic linkage, or closely connected circumstantial evidence. Instead, the testimonies were premised on prior disputes, alleged threats, assumptions drawn from proximity to the scene, and general reputation within the community. This Court has repeatedly opined, and we will not be repetitive to reemphasize that the evidence in a criminal case against an accused must be conclusive; and if it be circumstantial, it should be so connected as to positively connect one element within another form a chain of evidence sufficient to lead the mind irresistibly to the conclusion that the accused is the guilty party. *Williams v. RL*, Supreme Court Opinion, March Term, 2014, citing *Davis*, 40 LLR at 681 and *Nimley Koffe v. Republic of Liberia*, 20 LLR 18, 20 (1970).

This Court has consistently held that mere suspicion, belief, or allegation does not amount to proof. Evidence must be relevant and probative; that is, it must have a tendency to establish the truth of the allegations charged. (*Jerry Korlubah, Id.*) Where a witness definitively accuses a defendant of murder, the law expects such accusation to be anchored in direct evidence or in circumstantial evidence so cogent and unbroken as to exclude every reasonable hypothesis of innocence. That standard was not met here, and the testimonies of the first and second State

witnesses are illustrative. Both witnesses accused the co-appellant Emmanuel Flomo of killing the deceased, yet on cross-examination conceded that they were not present at the scene when the crime occurred. Their conclusions were drawn solely from prior land disputes and alleged threats. This Court holds that motive, standing alone, is insufficient to establish guilt.

The testimony of the third State witness, the Youth Leader, further underscores the evidentiary deficiencies. While he testified to the arrest of co-appellant Aaron Kollie near the vicinity of the crime scene and to the recovery of cutlasses, his most incriminating assertion, that two masked individuals fleeing the scene were identified as Aaron Kollie and Lamini Flomo, was not based on his own observation. Rather, it was attributed to an alleged statement made by one of the suspects, Yarkpawolo Moisema, who was also in Police custody. That statement constitutes hearsay, compounded by the fact that Moisema was never produced as a witness, albeit due to his demise, again under circumstances that could lead a reasonable mind to wonder why would an innocent person choose to commit suicide. It is settled law that hearsay evidence, particularly where it goes to the very core of guilt, is incompetent and inadmissible unless it falls within a recognized exception. No such exception applies here.

Significantly, the record reveals that Yarkpawolo Moisema, the only individual whom the State suggests may have seen persons fleeing the scene, allegedly committed suicide while in Police custody. His absence deprived the appellants of the constitutional right to confront and cross-examine a critical accuser, and his alleged statement, repeated through third parties, is entitled to no evidentiary weight. A conviction cannot rest on such fragile and untested assertions.

In a similar light, the testimony of the Crime Services Division (CSD) Commander, though central to the investigation, does not cure the defects which shrouded the testimonies prior to his investigation. While the witness testified to the recovery of two cutlasses bearing bloodstains, he confirmed on cross-examination that one of the bloodstained cutlasses belonged to the deceased suspect, Yarkpawolo Moisema. This fact materially weakens the State's theory, as it introduces a reasonable alternative inference inconsistent with the appellants' guilt. Moreover, no fingerprint analysis, DNA testing, or forensic examination was conducted to link any of the appellants to the alleged murder weapons or to the scene itself.

The review of the records before this Court show that the only eye witness, Moisema Yakpawolo who allegedly was quoted by one of the State's witnesses that Moisema saw two persons wearing mask around the crime scene; that there is nowhere in the record where the Police in Lofa County abstracted statements from the late Moisema who died in the custody of the Police; and further, that murder being a Capital Offence which requires a high standard of proof, this Court observes the standard of investigation exhibited by the Police in this murder cases. In the instant case, the Police negligently conducted the said investigation due to the standard of the Police in handling such matter. Had the Police obtained a statement from the late Moisema Yarkpawolo, that statement would have been admitted by the Police during trial to give meaning to this case but this was never done according to the records. We wonder further why the Police failed to obtain statement from the late Moisema even though the records revealed that Moisema died in the custody of the Police.

The appellants, while on the direct denied killing Moiyongor Keleko. It is surprising to note that the allegations surrounding the two cutlasses, a foot of sneaker and the stick, all of which were allegedly seen either at the crime scene or near the scene of the crime belong to the appellants. We observe from the records that prosecution ignored these instruments discovered at or near the crime scene by failing to link the appellants to the crimes but rather called on two rebuttal witnesses to disprove the denial that Emmanuel Flomo visit his sister that morning but he was instead seen going to the farm by Prosecution first rebuttal witness, T. Joseph B. Flomoku, while the prosecution second witness, Forkpah K. Bakay stated that Emmanuel Flomo was setting traps to the disputed property he had dispute with the late Moiyongor and that the cutlass involved with the commission of the crime belonged to the co-appellant Emmanuel Flomo because he saw him give the cutlass and clothes to Young Boys/Youth Chief, contrary to the co-appellant Emmanuel Flomo assertions that he went to John's Town and that the cutlass does not belong to him. This Court says that the prosecution did not prove by linking the appellants to the commission of the crimes charged.

We must emphasize here concerning the one foot of sneaker belonging to co-defendant Emmanuel Flomo which was found near his trap. This records concerning the sneaker before the court would have been properly investigated by the Police to establish how the sneaker got to the crime scene because the admission by Emmanuel Flomo that the sneaker belongs to him was substantive evidence that the Police rely upon in further investigating the matter.

As to the sneaker and the stick recovered, the evidence remains equivocal. Although ownership of the sneaker was admitted by co-appellant Emmanuel Flomo, no scientific evidence was presented to establish when or how the blood came to be there, or even if the said substance was blood; or if so, whether it was human or animal blood. With respect to the stick, even the State's own witnesses were inconsistent as to whether it was the same stick allegedly seen earlier in the appellant's possession. These gaps in proof are fatal in a case resting entirely on circumstantial evidence.

With respect to the charges of Criminal Conspiracy and Felonious Restraint, the State similarly failed to establish the essential elements of agreement, concerted action, and unlawful restraint by competent evidence. No witness testified to any agreement among the appellants to commit a crime, nor was there proof of coordinated acts before, during, or after the incident sufficient to infer a common design, but rather the prosecution's case, in substance, invited the jury to infer conspiracy and restraint solely from association and suspicion, a course this Court has repeatedly rejected.

Pursuant to Article 21(h) of the Constitution and Rev. Code:2.2.1 of the Criminal Procedure Law, the appellants were entitled to the presumption of innocence, and any reasonable doubt arising from the evidence must inure to their benefit. Here, the doubts are not merely reasonable; they are substantial and pervasive. The evidence adduced by the State does not exclude other reasonable hypotheses, including the involvement of persons other than the appellants, particularly the deceased suspect in whose possession a bloodstained cutlass was found.

Accordingly, this Court is constrained to hold that the quantum of evidence produced by the prosecution was insufficient, as a matter of law, to sustain the convictions entered against the appellants for the crimes of Murder, Conspiracy and Felonious Restraints. To affirm the final ruling under these circumstances would be to permit convictions founded on conjecture, hearsay, and moral suspicion, rather than on proof beyond a reasonable doubt. This the law does not allow, and we so hold.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the Tenth Judicial Circuit, Lofa County is hereby reversed. The Clerk of this Court is ordered to send a mandate to the trial court, commanding the Judge presiding therein to resume

jurisdiction over this case and give effect to the Judgment of this Opinion. AND IT IS HEREBY SO ORDERED.

Reversed.

When this case was called for hearing, Counsellor Jimmy Saah Bombo of the Central Law Offices appeared for the appellants. Counsellors Augustine C. Fayiah, Solicitor General of the Republic of Liberia, Luther Sumo, County Attorney for Lofa County and Randolpho D. O. Johnson.... appeared for the appellee.