

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
SITTING IN ITS OCTOBER TERM, A.D. 2025

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE  
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE  
BEFORE HER HONOR: CEATNEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR : BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

John Jallah of the City of Paynesville, Liberia )  
.....Appellant )  
 )  
Versus ) APPEAL  
 )

Republic of Liberia by and thru Kosiapo Horace )  
of the City of Monrovia, Liberia.....Appellee )  
 )

GROWING OUT OF THE CASE: )  
 )

Republic of Liberia by and thru Kosiapo Horace )  
of the City of Monrovia, Liberia.....Plaintiff )  
 )

Versus ) CRIMINAL MISCHIEF  
 )

John Jallah, Moses Fahn and others to be )  
Identified of the City of Paynesville, )  
Liberia.....Defendant )

Heard: November 17, 2025

Decided: February 13, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

During the November Term, A.D. 2010 of the First Judicial Circuit Court for Montserrado County, the Grand Jury sitting therein returned a true bill charging the appellants, John Jallah and others with the commission of the crime of criminal mischief. The indictment emanating therefrom reads as follows:

“INDICTMENT

The Grand Jurors for Montserrado County, Republic of Liberia, upon their oath do hereby find, more probably than not, that the defendant, John Jallah, Moses Fahn and others to be identified, committed the crime of Criminal Mischief, a felony of the third degree, to wit:

1. That sometimes ago, around the second week of the month of October, A.D. 2010, in the Soul Clinic Community, City of Paynesville, Montserrado County, Republic of Liberia, the defendants, John Jallah, Moses Fahn and others to be identified, with criminal minds and evil intent, purposely, knowingly, willfully and intentionally committed Criminal Mischief against the private Prosecutrix.

2. That the Co-Defendant, John Jallah, and the private Prosecutrix own separate properties within the same vicinity of the Soul Clinic Community, without any legal justification and for the purpose of striving up confusion, decided to construct a road to his house on a piece of land which belongs to the private Prosecutrix, which the defendants claimed is an alley.
3. That in concert with Co-defendant, Moses Fahn and other to be identified, defendant, John Jallah, secured a yellow machine and together with other defendants proceeded to the property of the private Prosecutrix and broke down or completely demolished a three (3) bed room residential building that was at roof level valued US\$19,451.34 under the pretext that they obtained the authority for said act from the Paynesville City Corporation.
4. That the defendants could not show any official document and/or legal authorization from the appropriate Ministry of Government responsible for the demolition of structures erected on alleys and neither did they at any time notify the private Prosecutrix that said area was an alley nor notify her of their plan to demolish her property thereby committing the crime of Criminal Mischief.
5. That the defendants have no affirmative defense.
6. A person engages in conduct purposely if when he engages in conduct it is his conscious objective to engage in conduct of that nature or cause the result of that conduct.
7. Property is that of another if anyone other than the actor has a possessory or proprietary interest therein. If a building or structure is divided into separated occupied units any unit not occupied by the defendant is an unoccupied structure of another.
8. That the act of the defendant is contrary to: 4LCLR, Title 26, Section 15.5 (i) (a) and (2), 4LCLR, Title 26, Section 15.6 (b) of the Statutory Laws of the Republic of Liberia, and the peace and dignity of the Republic of Liberia.

True Bill

WITNESSES

1. Kosiapoe Gborto Horace
2. Solomon Lewis
3. Daniel Morris
4. James Morris

ADDRESSES

- Monrovia, Liberia  
 Monrovia, Liberia  
 Monrovia, Liberia  
 Monrovia, Liberia

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 Leekarwohn M. Wohee  
 Foreman of Grand Jurors

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 Cllr. J. Daku Mulbah  
 County Attorney  
 Mont. Co. RL

Filed on this 23<sup>rd</sup> day of November A.D. 2010

\_\_\_\_\_  
 Clerk of Court

## Criminal Court “A”

The case was venue before Criminal Assizes “A” of the First Judicial Circuit for Montserrado County for trial under the gavel of His Honor, Roosevelt Z. Willie during the August Term, A.D. 2020. At the call of the case, the records reflected that the other defendants had not been brought under the jurisdiction of the court; hence, the appellant filed a motion for severance in consonance with the law that “if it appears that a defendant or the government is prejudiced by a joinder of offenses or of defendants in an indictment or by a joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires.” *Johnny Hill, Jr. vs. The Republic of Liberia*, Supreme Court Opinion, October Term, 2023. Subsequently, the appellant was arraigned and pleaded not guilty to the charges. Thereafter, the appellant’s counsel prayed the court for a bench trial and same was granted. Production of evidence and argument having been concluded by both parties, the trial judge rendered a guilty verdict against the appellants. The appellant filed a motion for a new trial arguing essentially that the guilty verdict against him was contrary to the weight of evidence adduced during the trial. The motion was duly assigned, argued and denied.

During the trial, the appellee, the Republic of Liberia produced five (5) witnesses: madam Kosiapo Mercy Horace, the private prosecutor; Mr. Solomon Lewis, Mr. Samuel Kollie, Felecia Vaye, and Mamie Kollie.

The appellants also produced three (3) witnesses as follows: John K. Jallah, a Foreign Service Diplomat working with the Ministry of Foreign Affairs, Bill K. Bonkar of the Zoning Department, Ministry of Public Works and Mr. Wilfred Clarke, City Manager, Paynesville City Corporation (PCC).

The testimonies of the prosecution’s witnesses basically established that the appellant without authorization from the Ministry of Public Works, Liberia Land Authority and the Paynesville City Corporation, procured a yellow machine and proceeded to demolish the properties of several individuals to include the property of the private prosecutrix which the appellant alleged was in the alley; that investigations conducted by both the Ministry of Public Works and the Liberia Land Authority indicated that the private prosecutrix’s property was not in the alley.

To the contrary, the testimonies of the defense three (3) witnesses tend to prove that the demolition exercise within the Soul Clinic vicinity was carried out following a formal complaint filed by the appellant to the effect that several individuals including the private prosecutrix constructed buildings in the alley leading to his house; that an investigation was conducted by the Technical Department of the Paynesville City Corporation after which investigation the Technical Department of the Paynesville City Corporation submitted its report confirming the allegations made by the appellant in his complaint; that the individuals in the alleyway were subsequently notified as the the findings by the Technical Department of the Paynesville City Corporation; that failure to take the appropriate steps to leave the alleyway, a demolition exercise will be carried out; and that the appellant did not demolish the property of any individual within the vicinity. We quote herein below excerpts from the testimony of Wilbert Clarke, then manager of the Paynesville City Corporation as follows, to wit:

**“Ques.** Mr. Witness since you are here today to testify in matters that is of concern to the City Corporation, were you conscious enough to have informed the City Corporation of the testimony you are giving to this court today?

**Ans.** We received a complaint from Mr. Jallah informing us that he found it difficult to enter his premises and inquired from us whether it was possible for the city to determine the best and legal means to enter its premises. So, we instructed a technical department to dispatch a team to the location in the same manner we did all other communities and come back to us with a report of what the situation there was. The report we received was that there were people (squatters) in the alley leading to Mr. Jallah’s resident, and so it was decided that we write all individuals involved through the Technical Department at the City of Paynesville, and so notices were sent to all individuals concern, and as far as I know a decision was reached after it was determined that notices be sent to them and failure to remove, demolition should take place, and as far as I know that was done by the City of Paynesville during my tenure as Manager of the City of Paynesville and also the tenure of Hon. Leticia A. Reeves, Mayor of the City of Paynesville.”

Thereafter, final argument in the trial was had, following which the trial judge entered the final judgment, an excerpt of which we quote as follows, to wit:

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Following the trial judge's ruling, the appellant filed a nine-count bill of exceptions for this Court's review, cataloguing the errors allegedly made by the trial judge, which when corrected according to the appellant would change the outcome of this case.

In summary, the primary contention of the appellant as contained in his bill of exceptions is that the trial judge erred when he failed to consider in his ruling that the demolition exercise was carried out under the authority of the Paynesville City Corporation which has the statutory duty of managing the Paynesville City and not by the appellant as the prosecution has alleged in the indictment. Hence, criminal mischief cannot lie against the appellant where there is no showing that the demolition of the private prosecutrix's property was done by the appellant.

Having reviewed the main contention of the appellant as enshrined in the bill of exceptions filed before us, this Court says that the singular issue for our consideration is whether criminal mischief will lie under the facts and circumstances of this case?

Before addressing the above-stated issue, we take due note of the prosecution's key argument, which is that the appellant purposely and recklessly destroyed properties belonging to the private prosecutrix and several other individuals in the Soul Clinic Community without authorization from the relevant authorities, the Paynesville City Corporation, the Liberia Land Authority and the Ministry of Public Works.

We also deem it appropriate to quote pertinent provisions of the Penal Law on criminal mischief as well as certain foundational principles in our criminal jurisprudence.

A person is guilty of criminal mischief if he: (a) Damages tangible property of another purposely or recklessly; (b) Damages tangible property of another negligently in the employment of fire, explosives or other dangerous means listed in Section 15.4 (1) (c) Purposely or recklessly tampers with tangible property of another so as to endanger person or property." Penal Law, Revised Code: 26:15.5.

2. Grading. Criminal mischief is a felony of the third degree if the actor purposely causes pecuniary loss of \$5,000.00 or over, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public services. Criminal mischief is a misdemeanor of the first degree if the actor recklessly causes any such loss, interruption, impairment or damage, or he purposely causes

pecuniary loss in excess of \$500.00 and under \$5,000.00. Otherwise, criminal mischief is a misdemeanor of the second degree.

It is a generally established principle of law in our jurisdiction that in all criminal trials upon indictments in order for the state to convict, the prosecution must prove the guilt of the accused with such certainty as to exclude every reasonable hypothesis of his innocence; that material facts to constitute the crime charged be proven beyond a reasonable doubt, otherwise the accused will be entitled to a discharge. *Elizabeth Davies v. Republic*, 40LLR, 659, 679 (2001); *Massaquoi v R.L*, Supreme Court Opinion, October Term 2013.

Having quoted the relevant provisions of the Penal Law on criminal mischief coupled with certain rudimentary principles of our criminal jurisprudence, we will now examine the prosecution's evidence to determine whether the prosecution has met the evidentiary standard of proof beyond reasonable doubt to warrant this Court holding the appellant guilty for the crime of criminal mischief.

As we have earlier indicated, the crux of the prosecution's indictment against the appellant for the crime of criminal mischief is that the appellant in reckless disregard for the property rights of the private prosecutrix and several other residents of the Soul Clinic Community, procured a yellow machine and unilaterally proceeded to destroy properties belonging to these on grounds that they were in the alleyway.

As per the relevant provision of the Penal Law on criminal mischief, in order for the prosecution to prove the crime of criminal mischief as charged in the indictment to warrant this Court pronouncing the appellant guilty, the prosecution had the burden of establishing that the appellant purposely, recklessly, or negligently damaged properties owned by the private prosecutrix and the numerous other individuals named in the indictment. This is in consonance with the settled principle that "mere allegations do not constitute proof, and unless said allegations are supported by the evidence, they shall remain mere allegations as it is only evidence which enables the court to pronounce with certainty the matter in dispute. *Kuteh v. NEC et.al*, Supreme Court Opinion, October Term 2023; *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; Court Opinion, March Term 2008. *Kpoto v. Williams*, Supreme Court Opinion, March Term 2008.

Moreover, this Court has held in a litany of Opinions that a charge against a criminal defendant must be proved as laid in the indictment. *Williams v. RL*, Supreme Court Opinion, October Term 2014; *Tugbuyei v. RL*, Supreme Court Opinion, March Term 2023.

Our review of the records reveals that the prosecution's evidence tends to show that the appellant without any authorization from the relevant authorities demolished properties belonging to the private prosecutrix and several other individuals which the appellant alleged was in the alleyway. However, the trial records further show that Mr. Wilbert Clarke, former City Manager of the Paynesville City Corporation, who testified for the appellant, clearly indicated in his testimony that the authorization to demolish the property of the private prosecutrix and several other individuals in the Soul Clinic Community which were in the alleyway was given by the Paynesville City Corporation. This testimony of Mr. Wilbert Clarke was neither denied nor rebutted. This Court has held in a long line of Opinions that allegations not denied are deemed admitted. *In Re: Contempt Proceedings Against Daniel Tubman et al*, Supreme Court Opinion, October Term, A.D. 2022; *TIC v. MOJ*, 42 LLR 174, 178 (2004). Hence, the prosecution's failure to deny or rebut the allegation that the Paynesville City Corporation authorized the demolition exercise, is deemed an admission that the Paynesville City Corporation and not the appellant indeed authorized the demolition of the properties owned by the private prosecutrix and several other individuals. Furthermore, given the assertion by Mr. Wilbert Clarke, former City Manager of the Paynesville City Corporation, we fail to see why the private prosecutrix could not proceed against the Paynesville City Corporation. It is the law that "all admissions made by a party himself or by his agent acting within the scope of his authority are admissible as evidence against him." *Tubman v. Tubman*, Supreme Court Opinion, March Term, 2025. Therefore, Mr. Wilbert Clarke, former City Manager of the Paynesville City Corporation, having admitted that it was the Paynesville City Corporation that gave permission for the demolition exercise, said testimony is an admission that the Paynesville City Corporation and not the appellant indeed authorized the demolition of the private prosecutrix's property.

Before concluding this Opinion, we deem it appropriate to re-emphasize that there is no disagreement between the parties that Mr. John Jallah filed his complaint regarding certain individuals constructing in the alleyway before the Paynesville City Corporation, the appropriate institution responsible for the management of the

Paynesville City; it is also undisputed that the Paynesville City Corporation after conducting its findings, allegedly issued notices to the affected parties and subsequently carried out the demolition exercise; hence, we fail to fathom how criminal mischief will lie against the appellant given that it was the Paynesville City Corporation that gave authorization for the demolition of the private prosecutrix's property.

The question we ask ourselves is: which property did the appellant destroy noting that the Paynesville City Corporation has already taken responsibility for the demolition of the properties subject of the present proceedings. Therefore, this Court says that where the appellant did not participate in the destruction of the property, subject of the proceedings against him or her, criminal mischief will not lie and we so hold.

However, if the private prosecutrix and the numerous other individuals whose properties were damaged by the act of the Paynesville City Corporation, they are not without remedy at law.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the ruling of the trial judge of the First Judicial Circuit, Criminal Court "A", Montserrado County, is hereby reversed. The Clerk of this Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. AND IT IS HEREBY SO ORDERED.

Ruling Reversed.

*When this case was called for hearing, Counsellor Jimmy Saah Bombo of the Central Law offices, appeared for the appellant. Counsellor Augustine Fayiah, solicitor general of the Republic of Liberia, Ministry of Justice, appeared for the appellee.*