IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2026

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 : CEAINEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH……..….....ASSOCIATE JUSTICE

Duraman Kamara…….…….…. Appellant)
)
Versus) APPEAL
)
Republic of Liberia by and thru the Ministry of)
Justice……..…...……Appellee)
)
GROWING OUT OF THE CASE:)
)
Republic of Liberia by and thru the Ministry of)
Justice ……..……..…… Plaintiff)
)
Versus) CRIMES
) Murder
Duram Kamara ……...…….. Defendant)

Heard: June 22, 2026 Decided: August 27, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

On November 15, 2023, the Grand Jurors of Grand Cape Mount County presented an indictment against Duraman Kamara and Morris Konneh for the commission of the crime of murder and criminal conspiracy. However, before arraignment, the prosecution issued *nolle prosequi* for Morris Konneh while the appellant Duraman Kamara pleaded not guilty to the crime of murder and criminal conspiracy, thereby joining issue with the State. It is the law that the prosecuting attorney, in this case the Solicitor General et. al, of the Ministry of Justice, may, by leave of court, file a dismissal of an indictment or complaint or of a count contained therein as to either all or some of the defendants. *Criminal Procedure Law*, Rev. Code 2:18.1. In furtherance thereof, this Court has held in a litany of Opinions that "it is the right and the prerogative of the State to determine whom it will prosecute for the commission of a crime, whom it will exonerate from prosecution, whom it will enter a *nolle prosequi* in favor of in order to have said person used as a witness for the State; the State is not required to state any grounds or reason for entering a *nolle prosequi* in favour of an accused; that no court can or should question the State for entering a *nolle prosequi* in favour of any one or several accused persons." *Sirleaf v. Republic of Liberia*, Supreme Court Opinion, March Term, 2012; *In Re: The*

Grievance and Ethics Committee Report Against Counsellor Frank Musah Dean, Jr. and Atty. Orlando Tamba, Supreme Court Opinion, October Term 2024.

The indictment alleges that between the hour of 7:45 pm and 11:00 pm on November 5, 2023, in the area of Tailalor, Kru Town, Teward District, Grand Cape Mount County, the deceased, Richard Tolbert, persuaded by his friend Morris Konneh under the pretext of attending a birthday party, was taken at a local bar in the community where the appellant sought the opportunity to execute their premeditated act of murder for ritualistic purposes; that the purported birthday party was only used as a guise to lure the deceased to leave his home; that while the deceased was at the bar along with Morris Konneh and the appellant, he left his drink at the table in the bar and went to attend to nature; that while attending to nature, Morris Konneh, who was hired by the appellant to facilitate the commission of the crime of murder, spilled a foreign substance referred to as "Kush" into the drink of the deceased; that when the deceased returned from the bathroom, he sipped in some of his drink contaminated with the foreign substance, leading to the impairment of his mental function and rendering him completely helpless; that Morris Konneh and the appellant, upon seeing the deceased in a vulnerable state, took advantage of the situation, left the bar with the deceased and began the execution of their diabolical plan by beating on the person of the deceased until they reached a lagoon where they removed his clothes, buried same in the sand in the surrounding area before presenting the deceased to the appellant and some unidentified individuals wearing masks and who were posted around the lagoon; and that the body of the deceased was discovered around the lagoon with various parts extracted. Hence, by the acts narrated herein above, the appellant had the intent to commit a criminal offense, and did knowingly, purposely, willfully, and intentionally commit the crime of murder.

The certified records reveal that during trial, the State presented six (6) witnesses; while the defense also presented nine (9) witnesses. We shall address the testimonies of the witnesses later in this Opinion.

At the conclusion of the presentation of evidence and final arguments by the parties, the trial jurors returned their verdict, finding the appellant guilty and sentenced him to life imprisonment for the commission of the crime of murder. The said verdict was affirmed by the trial judge. The appellants noted exceptions to the final ruling and announced an appeal to the Honorable Supreme Court seeking a reversal of his conviction and sentencing by the trial court.

The appellant has presented for this Court's review a twenty-nine (27) count bill of exceptions calling the attention of this Court to numerous errors allegedly committed by the trial judge, for which he seeks a reversal of the trial court's final ruling. This Court has established in a litany of cases that it is not bound to pass on every issue raised by the parties, or address every issue presented in the bill of exceptions except those germane to the determination of the case, and that it is the exclusive province of the Supreme Court to pass only upon those issues it deems necessary to arrive at a decision. *The Liberia Company (UBCO) v. Collins*, 36 LLR 828, 831 (1990); *Lamco J. V. Operating Company v. Verdier*, 26 LLR 445 (1978); *The Management of United States Trading Company v. Morris et al*, 41LLR 191, 203-4 (2002); *CBL v. TRADEVCO*, Supreme Court Opinion October Term 2012; *Tehquah v His Honor Paye and RL*, Supreme Court Opinion, March Term, 2014. Consistent with this principle of law, this Court will limit its review of the appellants' bill of exceptions to counts 11, 12, 14, 15, 16, 23, and 25 which it deems necessary and relevant in making our determination in this case. We quote the said counts verbatim hereunder, to wit:

> 11. That, Your Honor made a reversible error by upholding the guilty verdict of the jury when the prosecution failed to prove the cause of death with certainty in line with law and without establishing the exact cause of death, holding appellant/defendant when what killed the victim is not medically established is unsupported by law. The Honorable Supreme Court has held clearly that in prosecution for Murder, the cause of death must be stated with certainty. In Dunn v. Republic, [1903] LRSC 3; 1 LLR 401 (1903), the Court held that" it is necessary in prosecution for murder that the cause of death should be established with certainty and that the evidence in support of the essential facts should be so conclusive as to exclude every rational doubt of the prisoner's guilt.
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> 12. That, Your Honor made a reversible error by upholding the guilty verdict of the jury when the

Coroner Jury Report says that there was foul play, it then required a medical practitioner to establish what constitutes foul play that led to the death of the deceased as provided for under Chapter 7. 3 of the Criminal Procedure Law, especially when the evidence before court shows none of the Coroner Jurors nor Coroner (if any) was a medical practitioner. Accordingly, the failure to have done such in determining the cause of death has rendered the Coroner Jury's Report inconclusive. Besides, Sam Tolbert (the deceased father) and Eric Bai Rogers (an adverse party in an aggravated assault case with defendant during the same period of time), who both served and signed as coroner jurors, their apparent participation on the coroner's jury, renders the coroner's report not worthy to believe, but subjective and influenced by personal beliefs and biases. And as a result of the said travesty of justice towards the Appellant/Defendant, the jury's guilty verdict brought down on the 23rd day of April 2024 was not in line with the evidence adduced and Your Honor erred to uphold such Jurors' verdict.

14. That, Your Honor made a reversible error by upholding the guilty verdict of the jury because the Coroner Jury Report could not establish the cause of death, the prosecution then failed to act in line with the law by seeking the aid of a medical practitioner to examine the body of the deceased and establish Cause of death; Appellant/Defendant says the Criminal Procedure Law, Section 7.4. Authority to perform autopsy; witnesses.

The coroner may, if he is unable to ascertain the cause of death by preliminary examination, perform, if he is a competent medical practitioner, or authorize to be performed by a competent medical practitioner, an

autopsy on the body of the deceased for the purpose of determining the cause and circumstances of death. Every such autopsy must be witnessed by two credible and discreet residents of the county, territory, or district in which it is performed and the coroner shall have the power to compel their attendance by subpoena.

15. That, Your Honor made a reversible error by upholding the guilty verdict of the jury when Prosecution Witness Morris Konneh who claimed to be a co-conspirator, admitted during trial that he (Morris Konneh) beat the victim, made him helpless, removed the victim clothes and buried them in the sand. Appellant/Defendant avers that in the absence of a medical report and certificate of cause of death, what killed the deceased will be unknown, that is say, whether the victim died from the beating inflicted by Morris Konneh and or the alleged extraction of body parts makes the investigation inconclusive. Furthermore, Prosecution Witness Morris Konneh testified that the deceased jumped into the water after he (Morris Konneh) stripped him naked, that he, (Morris Konneh) also jumped into the water with the deceased in order to rescue the deceased, but that he (Morris Konneh) did not succeed in rescuing the deceased, all of which was corroborated by Prosecution third witness, Fatu Tolbert when she confirmed that when Morris Konneh returned home after taking the deceased out to “jolly-jolly”, he (Morris Konneh) was soaking wet. Prosecution third witness, Fatu Tolbert said in her testimony that by 11:00pm in the night, I saw Morris Konneh coming from the beach side, his clothes was wet on him. I then asked him “where is Richard” he told me “I carried Richard to the house.” When I went to the

house, I did not see Richard, I came back to check for Morris but I did not see him either".

16. That Your Honor made a reversible error by upholding the guilty verdict of the jury when the statement regarding how wet Morris Konneh who claimed to have left the helpless body of the deceased on the side of the beach again contradicted himself and said he (Morris Konneh) jumped into the water with the deceased as confirmed by the deceased own sister and Prosecution third witness, Fatu Tolbert when she confirmed her statement on the cross examination 35TH DAY'S JURY SITTING, TUESDAY, MARCH 26, 2024 "Madam Witness, also in your voluntary statement dated November 8, 2023, you said and I quote "When I saw Morris Konneh, Jah Bless and Jah Bless Girlfriend coming from Tailor town way, but Morris Konneh was soaking wet" do you also confirm that to be your statement?, the witness answered "Yes Morris was wet".

23. That Your Honor made a reversible error by upholding the guilty verdict of the jury when the facts show that the same Eric Bai Rogers who was placed in the same police cell as Morris Konneh after the said Eric Bai Rogers complaint was taken to the police by appellant/defendant for beating appellant/defendant when Morris Konneh made the incriminating confession against the appellant/defendant was the same Eric Bai Rogers who served as a member of the coroner jury all clearly pointing to the involvement Eric Bai Rogers in orchestrating the false allegations against Appellant/Defendant.

25. That, Your Honor made a reversible error by upholding the guilty verdict of the jury when Defense Witness Fanta Sambollah testified "on Sunday, Morning, Duraman told me that he was going Tienii

> to look for car to bring his cement. So, when he left, on Monday he came to the house and said he was going to look for somebody to come haul his materials". The Witness was further asked "Madam Witness, what happened the next day? the Witness Responded "The next day, I was home when Duraman went to mold his block. Then I saw people come to arrest him. That's how they carry him".

Having quoted the relevant counts of the appellant's twenty-seven (27) count bill of exceptions, we are convinced that the dispositive issue which would bring finality to this case is whether the prosecution adduced sufficient evidence during trial to uphold a guilty judgment against the appellant.

As earlier indicated, the appellant in his bill of exceptions has maintained that the State failed to provide a medical report to show the deceased's cause of death which is an essential requisite for proving the crime of murder; that absent a medical report, the coroner jury should have established the cause of death either by preliminary examination or through a medical practitioner in order to prevent reasonable doubt in the prosecution's case; that the prosecution's witnesses gave conflicting testimonies as to the death of the deceased thereby creating reasonable doubt in the prosecution's case. Hence, the appellant has insisted that the trial judge committed reversible error by his affirmation of the jury's verdict which violated his (appellant) constitutional and statutory rights.

To the contrary, the appellee argued that it proffered sufficient evidence to establish the guilt of the appellant beyond reasonable doubt. Specifically, the appellee has contended that the circumstantial evidence, when viewed collectively, coupled with the confession of Morris Konneh who was hired by the appellant to perpetrate the crime of murder, established the guilt of the appellant beyond reasonable doubt.

We must now proceed to address the issue dispositive of this appeal. We note first that the prosecution's theory is that the appellant connived with Morris Konneh to kill the deceased for ritualistic purpose and that Morris Konneh having executed the crime of murder confessed to the Liberia National Police that he was hired by the appellant to execute the said crime. Based on these allegations, the prosecution charged the appellant with the crimes of murder and criminal conspiracy as defined

under Sections 14.1 and 10.4, 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."

To substantiate the nexus between the crimes charged and the commission thereof by the appellant, the prosecution presented six (6) regular witnesses to offer testimonial evidence seeking to establish the guilt of the appellant beyond reasonable doubt.

The prosecution's first witness, William Wilson, deputy head of the community's watch team, testified that on the day the appellant committed the crime of murder, he (Wilson) encountered the appellant, Duraman and the deceased at a local bar in the community and while on his way home he met them again at the lagoon where the deceased was killed by the appellant. He concluded his testimony that Morris Konneh at the police station in Tieni confessed that he was contracted by the appellant to help him kill the deceased for ritualistic purpose.

The prosecution's second witness was Morris Konneh, in whose favor the prosecution issued *nolle prose qui*. He, like the prosecution's first witness, testified that he was hired by the appellant to assist him murder the deceased for blood

sacrifice. He further indicated that the appellant promised to pay him Ten Thousand Liberian Dollars (LD$ 10, 000.00) of which the appellant paid fifty percent and swore to shield him from arrest following the commission of the crime of murder. The witness testified further that he was instructed by the appellant to place Kush into the deceased's drink to render him helpless and vulnerable in order to perpetrate the crime of murder; that upon seen the deceased in a compromised state following the placement of the narcotic substance into his drink, they departed the entertainment center and began to beat the deceased until they reached the lagoon where the deceased was turned over to the appellant and some unknown masks men. In conclusion, the witness informed the court that it was the appellant who ordered him to implicate William Wilson, who saw the appellant and him traveling with the deceased around the lagoon where the crime of murder was allegedly perpetrated.

The prosecution's third witness was Fatu Tolbert, sister of the deceased. Her testimony was similar to the prosecution's first two witnesses, cardinal among which was her assertion that Morris Konneh at the police station admitted in her presence and that of several other persons that he was hired by the deceased to help him execute the crime of murder against the deceased.

The prosecution's fourth witness was officer Patrick S. Allen, of the Police CSD in Tieni, Grand Cape Mount County. He testified that upon receiving the news regarding the disappearance of the deceased, the police arrested Morris Konneh as a person of interest; that following several investigations, Morris disclosed to the police that the appellant after having designed the plan to murder the deceased, hired him to execute the crime for blood ritual. The officer further informed the court that their investigation established that the appellant promised to pay Morris Konneh the amount of Ten Thousand Liberian Dollars for the execution of the crime while also guaranteeing him protection from arrest and prosecution following the commission of the crime of murder.

Prosecution's fifth witness, Gentle Elliott, Head of the Coroner Jurors, testified that after the deceased was discovered dead, along the lagoon, the police established a coroner jury to examine the crime scene and determine the cause of death; that the coroner's report stated that the deceased hair was cut, his left ear removed, and blood oozing from the back, neck, nose and mouth of the deceased. He then concluded his testimony by indicating that following the conduct of the physical examination, the coroner reached the conclusion that they observed a foul played and submitted their report to the police.

The prosecution last and final witness was the deceased's father. His testimony was basically similar to that of the prosecution's other witnesses. Hence, we deem it repetitive to quote the said testimony.

Having quoted the crux of the testimonies by the prosecution's witnesses, this Court takes judicial cognizance of the fact that the prosecution's theory is that the appellant having formed the motive to murder the deceased for ritualistic purpose hired Morris Konneh for whom the prosecution issued *nolle prosequi* to aid him execute the heinous crime of murder; that William Wilson spotted the appellant with the deceased around the lagoon where deceased's body was discovered on the night the crime of murder was allegedly perpetrated; that Morris Konneh confessed to being hired by the appellant to help him in committing the crime of murder; and that the coroner's report established that the deceased's body was tampered with.

Thereafter, the defense commenced with the production of witness testimonies, by presenting nine (9) witnesses to include the appellant and several other individuals.

At this juncture, it is absolutely crucial to state that the appellant on the witness stand categorically denied hiring Morris Konneh to kill the deceased for blood sacrifice and proffered an alibi defense. Specifically, the appellant contended that on the date the murder incident allegedly occurred, he was in Tieni on a business trip. Hence, it was physically impossible for him to have been in Tieni and at the same time on the scene where the crime of murder is alleged to have occurred.

Most of the defense other witnesses with the exception of Counsellor Edwin G. Barquoi and Ralph Yarpawolo essentially testified in support of the appellant's alibi plea.

For their part, Counsellor Edwin G. Barquoi and Ralph Yarpawolo testified as expert witnesses for the defense. Both witnesses emphasized in their testimonies that the coroner's report having failed in stating the exact cause of death, it would have been prudent had the State conducted an autopsy to state the precise actual cause of the deceased's death especially where there was no eyewitness to the alleged crime of murder. The defense following cross-examination of their witnesses by the prosecution rested with the production of witness testimony.

We take due note, that the theory of the State's case against the appellant is based on circumstantial evidence, in that there was no direct evidence (autopsy) or eye-witnesses to directly link the appellant to the crime of murder. Hence, in addressing 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).

We begin with the appellant's primary contention which is that the prosecution failed in establishing its case of murder against him because the prosecution did not conduct an autopsy to establish the cause of death of the deceased nor was there any eyewitness account to the commission of the alleged crime of murder.

Taking juridical cognizance of this contention by the appellant, we deem it appropriate to review the prosecution's evidence before making our determination as to whether the State neglected to establish the deceased's cause of death.

Again, we reiterate that, contrary to the assertion of the appellant, the prosecution did not rely on forensic linkage or direct evidence to prove the crime of murder allegedly committed by the appellant. Rather, the prosecution relied on circumstantial proof. For instance, the prosecution's first witness, William Wilson, testified that on the night the crime of murder was perpetrated he saw the appellant with the deceased at a local bar in the community and at the lagoon where the deceased's body was discovered.

The prosecution's second witness Morris Konneh, in whose favor the prosecution issued *nolle prose qui*, admitted to participating in the murder act upon being paid by the appellant. He further testified that the appellant authorized him to put narcotic substance in the deceased's drink to pave their way for the commission of the crime of murder; that it was at the lagoon that he turned the deceased over to the appellant for final execution of the crime; and that the appellant further instructed him to state that it was William Wilson who committed the act of murder after Wilson spotted them with the deceased at the lagoon where the deceased's body was discovered.

All of the prosecution's other witnesses including a police officer from the Tieni police station in Grand Cape Mount County testified that Morris Konneh confessed that it was the appellant who hired his service to perpetrate the murder act. These testimonies when examined collectively established strong evidence of the appellant's commission of the crime of murder.

Our review of the trial records leaves no iota of doubt that the appellant indeed nurtured the intent to murder the deceased and did commit the crime of murder. We also see from the testimony of Morris Konneh that the appellant perpetrated the murder act for ritualistic purpose. This is evident by his deliberate act of hiring Morris Konneh with whom he planned the murderous act coupled with his design to implicate William Wilson as the murderer of the deceased following the commission of the crime. We also observe from the records that the body of the deceased was

discovered at the exact location several prosecution witnesses testified to seeing the appellant and the deceased. This Court has held that the natural tendency exhibited by individuals committing heinous crimes is to seek secrecy and concealment; hence, if the law only recognized positive evidence as sufficient to convict, the safety of society would be greatly jeopardized by miscreants who would perpetrate their diabolical deeds either under cover of night, or under some other cover which the eye of justice could not penetrate. In the case, *Toe v RL*, 24 LLR 462, 466 (1976), this Court opined that it is not necessary that one actually sees another commit a crime before his testimony may be accepted as valid evidence against the accused, but it is sufficient to convict whenever the logical deduction from the facts placed on record leads conclusively to the logical deduction that the crime was committed by the accused. Similarly, in the instant case, although none of the prosecution's witnesses directly saw the appellant executing the crime of murder, the logical deductions given the facts and circumstances of this case point to the appellant as the perpetrator of the murder act. The reason is that the prosecution placed on the witness stand Morris Konneh, a co-conspirator who participated in the commission of the crime every step of the way except at the final execution stage where he only presented the deceased to the appellant. We do not disagree that this Court has in countless Opinions held that where several persons conspire to commit a crime, the act and declaration of any co-conspirator during such conspiracy and in furtherance thereof, is admissible evidence against any conspirator on trial. It is settled principle of law that an accomplice testifying for the prosecution notwithstanding the turpitude of his conduct is not on that account an incompetent witness; the fact that a witness is an accomplice as a matter of law does not preclude the use of the testimony by the state. The same is true even though he has pleaded guilty. This is likewise true even though the accomplice witness confesses his criminal culpability or testifies under promise of immunity. *2Wharton's Criminal Evidence* 1224, Section 729; *Neeway Barway et. al v. RL*, Supreme Court Opinion, March Term 2016; *Kpolleh et al v. Republic* 36 LLR 623, 625 (1990).

Moreover, this Court has held that the uncorroborated testimony of a criminal defendant is insufficient a ground to authorize reversal of a judgment of conviction. This Court has also held that a defendant may not be set free on the strength of his lone testimony especially where two or more witnesses have testified against him. *Forleh et al vs. Republic,* 42 LLR 23, 25 (2004).

It is also the law that no formal agreement between the parties is required for a conspiracy to commit a crime and that the failure of the State to prosecute one conspirator does not exonerate the other. It is sufficient that the minds of the parties meet understandingly so as to bring about an intelligent and deliberate agreement to do the acts and commit the offense charged, although such agreement be not manifested by any formal words. If two persons pursue by their acts the same object often by the same means, one performing one part of the act and the other another part of the act, so as to complete it with a view of the attaining of some object which they were pursuing, this will be sufficient to constitute a conspiracy. Previous acquaintance is unnecessary, and it is not essential that each conspirator should know the exact part to be performed by the other conspirators in execution of the conspiracy. Brownie J. Sumakai et al vs. R. L., Supreme Court Opinion, October Term 2020.

Therefore, the trial records to include the testimonies of the prosecution's witnesses having established that the appellant connived with one Morris Konneh, which conspiracy led to the death of the deceased coupled with the findings of the petit jurors who observed the demeanor of witnesses that the said conspiracy did lead to the crime of murder against the deceased, this Court will not disturb the verdict of the jurors and we so hold.

Further, we restate that 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 to 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). Hence, this Court is convinced that the prosecution's evidence has met the burden of proof to establish the guilt of the appellant beyond reasonable doubt.

As to the appellant's other contention that the prosecution's witnesses presented conflicting testimonies, it is the law that the mere fact that a witness testimony has variances to some extent or is inconsistent with statements made by him at other times does not prevent it constituting substantial evidence on which to base a conviction, especially where there are facts explanatory to the contradiction. The testimony of a prosecuting witness may be sufficient to justify a conviction although it is not corroborated, or contradicted by other witnesses as the law places emphasis on material variance in order to discard or discredit a witness testimony. A jury need not accept a prosecuting witness's version but may consider all the surrounding facts

and circumstances. Conflicts in the testimony of a prosecuting witness goes to its weight, but not to its sufficiency to sustain a conviction. *Kevin Young v. RL,* Supreme Court Opinion, March Term 2025.

The appellant further argued in his bill of exceptions that he was not within the vicinity where the crime of murder and criminal conspiracy allegedly occurred, thus pleading an alibi. Alibi is a defense to a crime. It is an affirmative plea and is controlled by the same principle of law that governs affirmative averments laid in the indictment. Also, a defense of an alibi means that at the time of the commission of the crime charged in the indictment, the accused was at a different place so remote or distant or under such circumstances that he could not have committed the offense. Fartorma v. RL, Supreme Court Opinion, October Term, 2010. By an alibi, the accused desires to establish that he had been at a place so remote that his participation in the crime was physically impossible. While alibi plea ought to be accorded fair consideration in favor of the accused, one key observation made by law writers is that an alibi is usually easily fabricated. The caution therefore is that an alibi defense must be subject to searching scrutiny. AM JUR. 2d ALIBI, Sect. 184. (Criminal Law); Yancy v. RL, 27 LLR 365 (1978). Hence, in order for an alibi to effectively benefit an accused, it must be true, definite, and certain as to the presence of the defendant in a place other than the scene of the crime, at the time the crime was being committed. Yancy v. RL, 27 LLR 365 (1978). We examine the records to make our determination as to whether the appellant's alibi defenses will lie given the facts and circumstances of this case.

The appellant testifying in his behalf stated as follows:

"On the date the murder incident allegedly occurred, I was in Tieni on a business trip. Hence, it was physically impossible for me to have been in Tieni and at the same time on the scene where the crime of murder is alleged to have occurred."

To substantiate his alibi defense, the appellant presented two (2) witnesses: Morris M. Sonii and Boakai Fubulleh whose testimonies essentially show that they saw the appellant was in Tieni on the day the crime of murder. For his part, Morris M. Sonii testified that he encountered the appellant in Tieni at his residence on the day the crime of murder was committed and that the appellant spent the night in Tieni. However, on cross examination, witness Sonii admitted that he does not have control over the whereabouts of the appellant and that he did not spend the whole day with the appellant.

As for Boakai Fubulleh, he testified that he is a commercial driver that plies the road between Tieni and Tailalor, Kru Town; that he saw the appellant at Tieni Junction, on the morning of November 6, 2023, the day following the commission of the crime of murder. He, however, admitted during cross examination that he slept in Kru Town on Sunday, November 5, 2023, the day of the murder event.

Further, the records show that the prosecution produced two (2) rebuttal witnesses to disprove the alibi testimonies of the appellants, and commenced with Felecia Teweh who testified that she is familiar with the appellant; that on the night the crime of murder occurred, she and her group of friends while entertaining themselves in the vicinity, stopped by at a shop, not too far from the appellant's house; and that while in conversation with one Sortee, she encountered the appellant along with five other individuals, sat on his lap, removed his white face cap from his head and put it on her head.

Felecia Weah, another prosecution rebuttal witness, testified that on the night the deceased was murder, she spotted the appellant and Morris Konneh having a conversation at a local bar in the vicinity where the crime was committed.

Having failed to defeat the testimonies by prosecution rebuttal witnesses Felecia Teweh and Felecia Weah, and further noting the fact that the indictment alleged that the crime of murder occurred between 7: 45 pm and 11: 00 pm as well as the distance from Tieni to Kru Town which is approximately an hour's drive and the admission by the appellant's own witness that he was not stationed with him throughout the day, the finding of the petit jury in the instant case who listened to the testimonies of the witnesses and their demeanors, cannot and ought not to be disturbed.

The case *Emmet Hoff et. al v. RL*, Supreme Court Opinion, March Term 2023, is instructive in analogy to the instant case. In that case, Emmet Hoff et. al, were indicted by the grand jury of Montserrado County for the crime of murder. The appellants contended that they were in Bong County on the day the crime of murder was allegedly committed. The State, however, produced rebuttal witnesses who testified that they saw the appellants in Johnsonville on the day the crime of murder was committed. Based on this evidence, the Supreme Court affirmed the guilty verdict of the appellant. Similarly, in the instant case, the prosecution via their rebuttal witnesses having provided sufficient evidence to disprove the alibi defenses of the appellants, same cannot be upheld, and we so hold.

The appellants have also argued that the corpus delicti of the murder charge was not established at the trial and that the prosecution failed to establish the cause of death by an autopsy performed on the decedent's body by a medical expert. We disagree with this argument advanced by the appellant, in that the testimonies of all of the prosecution's witnesses positioned the appellant at the self-same site of the murder; and that the deceased body was found buried at the same place described by the witnesses. In the mind of the Court, the death of the decedent and the criminal agency or the corpus delecti were clearly established under those circumstances by the prosecution.

This Court has opined that "direct or positive evidence is not necessary to establish corpus delicti. The rule laid down by the early English authorities that the corpus delicti must be proven by direct or positive testimony has been modified by later decisions. The controlling authority now is that direct or positive proof is not essential; all the elements of the corpus delicti may be proved by presumptive or circumstantial evidence. It would be unreasonable to always require direct and positive evidence, for crimes are naturally committed at chosen times, in darkness and secrecy. The corpus delicti 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/autopsy. Proof of guilt of a crime will be deemed sufficient when the evidence thereof, even if circumstantial, is of such nature as to convince any rational mind of the criminal responsibility of the accused. There are numerous acts which can cause the death of a person; there are as many ways to commit murder as there are to destroy a man. Therefore, no particular kind of act is necessary to constitute the element of the crime of murder. It is sufficient if the act done or omitted results in death. 20 AM. JUR. 2d., Criminal Law, § 1231; Williams et al v R.L. 30LLR 71, 88 (1982); Taylor v. Republic, 14 LLR 524, 530 (1961).

Further, the records also show that the coroner's report established the following conditions of the decedent: 1. That the body was visually seen in a decomposing state. 2. That multiple wounds were observed on the body of the victim. 3. That there was blood oozing from the nose, mouth and other body parts of the victim. The coroner then concluded in his report that the multiple wounds seen on the decedent's head were the result of foul played.

It is the law in this jurisdiction, that,: "…the coroner may, if he is unable to ascertain the cause of death by preliminary examination, perform, if he is a competent medical practitioner, or authorize to be performed by a competent medical practitioner, an

autopsy on the body of the deceased for the purpose of determining the cause and circumstances of death. Every such autopsy must be witnessed by two credible and discreet residents of the county, territory or district in which it is performed, and the coroner shall have the power to compel their attendance by subpoena…the report of the coroner shall be accompanied by a copy of the report of the medical practitioner, if any, and a certified copy of all the testimony taken." Criminal Procedure, Rev. Code 2:7.3, 7.5 Ibid; *Nagbe v. Williams et al*, Supreme Court Opinion, October Term, 2010; *Toe v. R.L.* 30 LLR 491, 493 (1983). Hence, the coroner's report having established from the preliminary examination conducted, that the cause of death was produced by foul played and the evidence having established that the appellant along with several other individuals connived to commit the said act of murder, the appellant is guilty of murder and we so hold.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the trial court adjudging the appellant guilty and sentencing him to life imprisonment is hereby affirmed. 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 the Judgment of this Opinion. Costs are disallowed. IT IS HEREBY SO ORDERED.

When this case was called for hearing Counsellors Jerome G. Zumo, T. Joseph B. Debblay and William Moore Johnson appeared for the appellant. Counsellors Augustine C. Fayiah, Solicitor General and Nyonkpao R. G. Daye of the Ministry of Justice, Republic of Liberia appeared for the appellee.