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

Moses Wogbeh, former Managing Director of the Forestry Development Authority (F.D.A), John Kantor former Technical Manager, Jangar Kamara former Manager for Commercial Forestry (FDA), David Blayee former County Surveyor, Grand Bassa County, Ministry of Mines and Energy and Maxwell Gwee, former Director of Cartography, Ministry of Mines and Energy all of the City of Monrovia, Liberia……..… Appellants	)	
Versus	)	APPEAL
Republic of Liberia by and thru the Management of the Forestry Development Authority (F.D.A), Montserrado County, Liberia……..……Appellee	)	
GROWING OUT OF THE CASE:	)	
Republic of Liberia by and thru the Management of the Forestry Development Authority (F.D.A), Montserrado County, Liberia……..… Plaintiffs	)	
Versus	)	CRIMES
Moses Wogbeh, former Managing Director of the Forestry Development Authority (F.D.A), John Kantor former Technical Manager, Jangar Kamara former Manager for Commercial Forestry (FDA), David Blayee former County Surveyor, Grand Bassa County, Ministry of Mines and Energy and Maxwell Gwee, former Director of Cartography, Ministry of Mines and Energy all of the City of Monrovia, Liberia…….. Defendants	)	ECONOMIC SABOTAGE, CRIMINAL CONSPIRACY, FORGERY OR COUNTERFEITING, OBTAINING AND ISSUING DECEPTIVE WRITING, OBSTRUCTION OF GOVERNMENT FUNCTIONS BY PUBLIC SERVANTS

Heard: March 17, 2026 Decided: August 27, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

This is an appeal before this Court from the final judgment of the First Judicial Circuit, Criminal Assizes "C" for Montserrado County, rendered on August 25, 2015, sitting in its May Term A.D. 2015, adjudging the co-defendants, now co-appellants guilty as follow:

1. That David Blayee and Maxwell Gwee were found guilty of the crime of Obtaining and Issuing Deceptive Writings;
2. That Moses Wogbeh and Jangar Kamara were found guilty of the crime of Obstruction of Government Function by Public Servants; and

3. That Moses Wogbeh, John Kantor, Jangar Kamara, David Blayee and Maxwell Gwee were collectively found guilty of Economic Sabotage in the tune of Six Million United States Dollars (US$6,000,000.00).

The facts as culled from the certified records revealed that the appellants were indicted by the Grand Jury for Montserrado County during the February A.D. 2014 term of court for acts allegedly committed between April 2010 and December 2011, and that the appellants waived their rights to trial by jury which was granted by the court. The indictment charged the appellants that they knowingly conspired to defraud the Government of Liberia of revenue and facilitated the wrongful and illegal issuance of sixty-one (61) Private Use Permits (PUPs) authorizing commercial logging operations on nearly 2.5 million hectares of land areas without the payment of land rental fees to the Government of Liberia and the communities under the National Forestry Reform Law of 2006 and the Community Rights Law of 2009.

We herein quote the pertinent parts of the indictment as found in the trial records:

"INDICTMENT

COUNT ONE (1)

1.1 The Grand Jurors for the County of Montserrado, Republic of Liberia, upon oath do hereby find more probably than not, that, Moses Wogbeh, former Managing Director of the Forestry Development Authority (FDA) of the City of Monrovia, Republic of Liberia, and Jangar Kamara, former Manager Commercial Forestry, of the Forestry Development Authority (FDA), of the City of Monrovia, Republic of Liberia, Cllr. Benedict Sagbeh, former In-House Legal Counsel of the Forestry Development Authority (FDA) of the City of Monrovia, Republic of Liberia, Mr. John Kantor, former Technical Manager of the Forestry Development Authority (FDA), Augustine B. M. Johnson, former Manager GIS of the Forestry Development Authority, Torwan Yantay former Acting Manager for Geo Information System of FDA, David Blayee, former County Surveyor, Grand Bassa County, of the Ministry of Lands, Mines & Energy, of the City of Monrovia, Republic of Liberia, and Maxwell Gwee, former Director of Cartography, Ministry of Lands Mines & Energy did conspire to, and did do and commit the crimes of Economic Sabotage and Criminal Conspiracy, in violation of Chapter 15, Subchapter F, Section 15.80(a)(b)(c) and Chapter 10, Section 10.4(1)(2)(3)(4) respectively of the New Penal Law of Liberia, Title 26, Liberian Codes and Chapter 18, Section 18.9(b)(c) "Economic Sabotage" of the National Forestry Reform Law (NFRL)(2006) in the form and manner as follows to wit:

1.2 That between April 2010 to December 2011, at the Head Office of the Forestry Development Authority (FDA), Private Prosecutrix, located at Wein Town, Mount Barclay, Montserrado County, Republic of Liberia, Co-Defendants Moses Wogbeh there and then being Managing Director/Secretary to the Board of Directors of the FDA, Jangar Kamara there and then being the Technical Manager for Commercial Forestry, Cllr. Benedict Sagbeh there and then being In-House Legal Counsel for FDA, John Kantor there and then being Technical Manager for Research, Torwan Yantay there and then being the Acting Manager for Geo Information System of FDA, Augustine B. M. Johnson there and then being the Manager for Geo Information System and Expert of FDA, David Blayee, there and then being County Surveyor, Grand Bassa County, of the Ministry of Lands Mines & Energy, and Maxwell Gwee, there and then being Director of Cartography of the Ministry of Lands Mines and Energy, respectively, did knowingly conspire to defraud the Government of Liberia of revenue by facilitating the wrongful and illegal issuance of up to Sixty (61) Private Use Permits (PUPs) that authorized commercial logging operations on nearly 2.5 million hectares of land area of Liberia.

1.3 That between April 2010 up to and including December 2011, the Co-Defendants Moses Wogbeh, Cllr. Benedict Sagbeh, John Kantor, Torwan Yantay and Augustine B.M. Johnson knowingly, recklessly, and purposefully conspired and facilitated the issuance of, and caused to be issued, up to Fifty Six (56) Private Use Permits (Licenses), over community deeded forest lands that are indicative of Community Forest Land that by definition are governed and regulated by the Community Rights Law (2009), knowing fully well that Private Use Permits (PUPs) should be issued to private landowners or their privies only, in contravention of Sections 5.6(d) and 18.9(b) of the National Forestry Reform Law (2006), and 2.3(b) of the Community Rights Law (2009), thereby depriving communities of Revenue and the Government of Liberia of land which they would have been entitled to had the license been issued under the Community Rights Law (2009).

1.4 That in contravention of Section 5.6(d)(v) of the National Forestry Reform Law (NFRL)(2006) which requires that a Private Use Permit (PUP) is issued only if the applicant "has complied with all legal requirements for Environmental Impact Assessments," Co-Defendants Moses Wogbeh, John Kantor, Torwan Yantay, Cllr. Benedict Sagbeh, clothed with the authority of ensuring that all Forest Resources and Private Use Permits are issued consistent with law, and with the authority to issue Private Use Permits, knowingly, recklessly, and purposefully recommended the issuance of, facilitated the issuance of, and did issue or caused to be issued, 61 Private Use Permits (PUPs) without the applicants first satisfying the legal requirements for Environmental Impact Assessment in

contravention of Sections 5.6(d)(v) and 18.9(D) of the National Forestry Reform Law (2006).

1.5 That from April 2010 to December 2011, at the Head Office of the Forestry Development Authority (FDA), Private Prosecutrix, in the City of Monrovia, Republic of Liberia, in contravention of Sections 5.6(d)(i) and 18.9(b) of the National Forestry Reform Law (NFRL)(2006) which requires that a Private Use Permit is granted only if the applicant is the landowner or has written permission from the landowner, private land and the Co-Defendants Moses Wogbeh, Jangar Kamara, John Kantor, Benedict Sagbeh, Torwan T. Yantay, Augustine B.M. Johnson, Maxwell Gwee and David Blayee arbitrarily recommended the issuance, facilitated the issuance of, and did issue or caused to be issued, up to Fourteen (14) PUPs on land area larger than the area contained in the deed submitted by the applicants, evidence the fact that the applicants were not the owners, neither did their purported privies have title to the increased land areas; the total increase in land area being 160,505 hectares to the detriment of the Government of Liberia.

1.6 That in August of 2012, Co-Defendants Moses Wogbeh and Jangar Kamara with intent to defraud the Government of Liberia and make an opportunity for the PUP holders to defraud the Government of Liberia, purposely and knowing disregarded the President of Liberia's moratorium placed on all PUP activities and instructed that shipment had been harvested under the illegal PUPs from the Port of Buchanan must be allowed as all requisite financial obligations are settled. As the result of Co-Defendants' action, over 40,000cm3 of logs were [shipped].

1.7 That between the period April 2010 to December 2011, Co-Defendants Augustine B. M. Johnson and Torwan Yanty whilst serving as Manager of GIS and Expert and GIS Coordinator/Acting Manager respectively, knowingly and purposely did generate false and misleading verification reports wherein the reports predicted the application for Private Use Permit (PUP) and their alleged visits to the field, and arbitrarily increased land areas than the areas contained in the deeds of the applicants which served as a basis for issuance of PUPs over areas larger than those contained in the deeds of the applicants and over area that were designated as proposed protected areas in violation of Section 18.9(b)(c) of the National Forestry Reform Law (2006) with intent to defraud and make an opportunity for the PUP holders to defraud the Private Prosecutrix, the affected communities, and the Government and people of Liberia.

1.8 That between the periods April 2010 to December 2011, John Kantor whilst serving as Technical Manager of the Forestry Development Authority (FDA), purposely, knowingly, and recklessly submitted verification reports to the Managing Director and facilitated, and caused the issuance of PUPs, for areas larger than those contained in the deeds of the applicants over areas where there were overlaps areas and over areas that

were designated as proposed protected areas in violation of Section 18.9(b)(c) of the National Forestry Reform Law (2006), with intent to defraud and make an opportunity for the PUP holders to defraud the Private Prosecutor, the affected communities, and the Government and people of Liberia.

1.9 That between April 2010 to December 2011, Co-Defendant Cllr. Benedict Sagbeh as In-House Legal Counsel of Private Prosecutrix, knowingly and purposely failed and omitted to render adequate legal advice to the Private Prosecutrix (FDA) in respect of the laws governing the issuance of Private Use Permits (PUPs), and colluded with other Co-Defendants to cause the issuance of the Private Use Permits (PUPs) in violation of Sections 5.6 and 18.9(b)(c) of the National Forestry Reform Law (2006) with intent to defraud and make an opportunity for the PUP holders to defraud the Private Prosecutor, the affected communities, and the Government of Liberia.

1.10 That between April 10, 2010, to December 2011, Co-Defendant, Moses Wogbeh as Managing Director of the Private Prosecutor knowingly, purposefully and recklessly approved, issued and executed a total of 61 Private Use Permits (PUPs) in violation of Sections 5.6 and 18.9(b)(c) of the National Forestry Reform Law (2006), and Section 2.3(b) of the Community Rights Law (2009) with intent to defraud the Private Prosecutrix, the affected communities and the Government and people of Liberia and also created an opportunity for the PUP holders to defraud the Government.

1.11 That from December 2010 to July 2011, Co-Defendant David Blayee issued Certificates of Correction of deeds without authority to do so, thereby increasing the land areas of the deeds by approximately 26,186 hectares, with the intent to defraud the Government and creating an opportunity for the PUP holders to defraud the Government.

1.12 That from April 2010 to December 2011, Co-Defendant Maxwell Gwee knowingly and purposefully failed to carry out due diligence in the process of authentication/validation of deeds and impersonated and signed validation letter as Acting Assistant Minister of Land, Mines & Energy, when the Assistant Minister George Miller was in Liberia and Maxwell Gwee was not so acting. Co-Defendant Gwee recommended that Private Use Permits be issued based on his authentication/validation of the deeds. Co-Defendant Maxwell Gwee validated an Aborigines Grant deed in favour of the Chief, Elders, and Citizens of Kulu Shaw-Boe District even though the deed is said to have been signed by President Tubman on July 12, 1952 and was probated on February 10, 1951, meaning that it was probated 17 months before it was even signed by the President. Co-Defendant Maxwell Gwee also validated and authenticated an Aborigines Grant deed for the Chief, Elders, and Citizens of Kolahun Chiefdom even though the land deed is said to have been signed by President Tubman on October 18, 1951 and was probated on March 15, 1951, meaning that it was probated 7 months before it was

signed by the President. The deed is said to be granted to the Chief, Elders, and Citizens of Kolahun Chiefdom when, in fact there is no "Kolahun Chiefdom" rather there is a Kolahun District. Co-Defendant Maxwell Gwee also validated and authenticated an Aborigines Grant deed for the Chief, Elders, and Citizens of Boe Clan even though the land deed is said to have been signed by President Tubman on March 10, 1952 and was probated on January 26, 1950, meaning that the deed was probated 26 months before it was signed by the President.

1.13 That because of Defendants blatant abuse of their offices and violation of the several provisions of the National Forestry Reform Law (NFRL)(2006) and the Community Rights Law (2009), the Private Prosecutrix (FDA), yea the Government of Liberia has suffered a loss in revenue of over US$6,000,000.00 (United States Dollars) and Six Million would have been generated from land rental had the permits been issued under the Community Rights Law, and amounts generated by holders of PUPs under fraudulent and fictitious deeds, thereby defrauding the Private Prosecutrix and the Government and people of Liberia, and knowingly creating the opportunity for PUP holders to defraud the Government and people of Liberia.

1.14 That Chapter 15, Subchapter F, Section 15.80(a)(b)(c) of the New Penal Law of Liberia, Title 26 of Liberian Codes Revised provides that:

"A person is guilty of a first-degree felony, if he:

(a) Knowingly conspires or colludes to defraud the Government of Liberia;
(b) Knowingly makes an opportunity for any person to defraud the Government of Liberia or another;
(c) does or omits to do any act with intent to enable another to defraud the Government of Liberia;

1.15 That Chapter 10, Section 10.4(1)(2)(3)(4), Criminal Conspiracy provides that:

(1) 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 objective of the conspiracy.
(2) If a person knows that one with whom he agrees or has agreed will agree with another to effect the same objective, he shall be deemed to have agreed with the other, whether or not he knows the other identity.
(3) If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.
(4) A conspiracy shall be deemed to continue until the crime which is its object is committed or the agreement that it be committed is abandoned by the defendant and by those with whom he conspired. A conspiracy shall be deemed to have been abandoned if no overt act to effect its objectives

has been committed by any conspirator during the applicable period of limitations.

1.16 That Chapter 18, Section 18.9 "Economic Sabotage" of the National Forestry Reform Law (NFRL)(2006) provides that "the following are offenses punishable under the Penal Law as economic sabotage":

a. "For an Operator or Holder to conduct Operations beyond the Granted area;
b. For an agent or employee of the Authority to grant permission to harvest or use Forest Resources in contravention of any provision of this law;
c. For an agent or employee of the Authority to grant permission to harvest or use Forest Resources in a manner inconsistent with the status of a Protected Area or Proposed Protected Area.
d. For an agent or employee of the Authority to release confidential business information protected under Subsection (c) of Section 18.15 of this law."

1.7 Plaintiff says and submits that the defendants have no affirmative defense in the premises.

COUNT TWO (2)

2.1 The Grand Jurors for the County of Montserrado, Republic of Liberia, upon oath do hereby find more probably than not, that, Cllr. Benedict Sagbeh, former legal counselor of the Forestry Development Authority (FDA) of the City of Monrovia, Republic of Liberia, Moses Wogbeh, former Managing Director of the Forestry Development Authority (FDA) of the City of Monrovia, Republic of Liberia, and Jangar Kamara, former Technical Manager, Commercial Forestry, of the Forestry Development Authority (FDA), of the City of Monrovia, Republic of Liberia, John Kantor, former Technical Manager for Research of the Forestry Development Authority (FDA), of the City of Monrovia, Republic of Liberia, did conspire to, and did do and commit the crime of Obstruction of Government Functions by Public Servant in violation of Chapter 12, Subchapter A, Section 12.3 of the New Penal Law of Liberia and Criminal Conspiracy in violation of Chapter 10, Section 10.4(1)(2)(3)(4) of the New Penal Law of Liberia, Title 26 of Liberian Codes Revised in the form and manner as follows to wit:

2.2 That from February 2012 up to including August 2012, at the Head Office of the Forestry Development Authority, Private Prosecutrix, located at Wein Town, Mount Barclay, Montserrado County, Republic of Liberia, Co-Defendants Moses Wogbeh and Jangar Kamara there and then being Managing Director/Secretary to the Board of Directors and Technical Manager for Commercial Forestry respectively, of the Forestry Development Authority (FDA), and as public officials, did purposely conspire to and obstruct, impair, and pervert the implementation and/or administration of the moratorium issued and placed by the Board of Directors of the Forestry Development Authority on (i) the issuance of new Private Use Permits (PUPs) and (ii) the discontinuation of

activities under all existing Private Use Permits (PUPs) with the exception of the four already operated at that time: Lofa Development Corporation/Mary Kpoto (PUP 2), People of Zaye Town/Sarah Miller (PUP 3), People of Teemor Section (PUP 10), and Tartweh-Drapoh DMC (PUP 26). The Defendants, with intent to pervert, impair and frustrate the execution of the mandate of the Board of Directors of the FDA refused to timely communicate the Board's mandate to the holders of PUPs affected by the moratorium, and to Societe Generale de Surveillance (SGS), the contractor implementing Liberia's timber chain-of-custody system, even though they had knowledge of the existence of the moratorium, and were mandated to communicate same to the affected PUP holders and SGS as of February 2012.

2.3 That notwithstanding the Board of Directors' instruction to Co-Defendants in February of 2012, to communicate with the affected PUP holders and the SGS informing them of the moratorium, Co-Defendant Moses Wogbeh did not communicate with the affected PUP holders informing them that a moratorium had been put in place by the Board of Directors; on June 15, 2012, Co-Defendant Wogbeh wrote SGS, informing SGS that the Board had instructed that all inactive PUPs be suspended—Four (4) months after he had been instructed to do so.

2.4 That contrary to the Board of Directors' mandate that the moratorium is placed on the issuance of new Private Use Permits (PUPs) and halting of activities under all existing Private Use Permits (PUPs) with the exception of the four already operating at that time: Lofa Development Corporation/Mary Kpoto (PUP 2), People of Zaye Town/Sarah Miller (PUP 3), People of Teemor Section (PUP 10), and Tartweh-Drapoh DMC PUP 26, Co-Defendant Jangar Kamara on June 22, 2012, wrote SGS informing SGS that the letter previously sent to SGS was a partial listing of Non-active PUPs with the exception of Bolloh and Jloh, which exception was never made by the Board of Directors of the Forestry Development Authority (FDA) under the moratorium. In a second letter/email sent by Co-Defendant Jangar Kamara on August 14, 2012, (after the President of Liberia had reaffirmed the FDA Board's moratorium on August 5, 2012), Co-Defendant Jangar Kamara wrote SGS that "by directive of the Managing Director, SGS/LiberFor is hereby informed that though there is a suspension of activities of PUPs, the issue of shipment from the Port of Buchanan must be allowed as long as all requisite financial obligations are settled". Again, on August 15, 2012, following an email request from Sebastian of SGS regarding two shipments of 40,000m³ expected from Atlantic Resources, Jangar Kamara states "Regarding the issue of Atlantic, please be assured that we will consider this in our letter"—all of the instructions contained in the letters to SGS were inconsistent with the Board of Directors' mandate to Co-Defendants Wogbeh, Kamara and Sagbeh.

2.5 That contrary to the Board of Directors mandate that the moratorium is placed on (i) the issuance of new Private Use Permits (PUPs) and (ii) discontinuation of activities under all existing Private Use Permits (PUPs) with the exception of the four already operated at that time: Lofa Development Corporation/Mary Kpoto (PUP 2), People of Zaye Town/Sarah Miller (PUP 3), People of Teemor Section (PUP 10), and Tartweh-Drapoh DMC PUP 26, Co-Defendant Cllr. Benedict Sagbeh knowingly and purposefully refused and neglected to advise and provide adequate counsel to the management of the Forestry Development Authority to ensure that the management adheres to the mandate of the Board of Directors.

2.6 That because of Co-Defendants' deliberate refusal and/or failure to timely communicate and ensure that the Board of Directors' mandate in respect of the placement of the moratorium was implemented and given effect to, they breached their official duties to the Private Prosecutrix (FDA), and as a result, logging activities under the PUPs remained unabated after the issuance of the moratorium; operators under the PUPs continued to illegally ship logs out of Liberia to the detriment of the Private Prosecutrix (FDA), and the Government and people of Liberia.

2.7 That Chapter 12, Subchapter "A", Section 12.3 Obstruction of Government Function by Public Servant provides that: "A public servant commits a misdemeanor of the first degree if he purposely obstructs, impairs or perverts the administration of law or other governmental function by committing any breach of official duty."

That the plaintiff says that the defendants have no affirmative defense in the premises.

COUNT THREE (3)

1.1 The Grand Jurors for the County of Montserrado, Republic of Liberia, upon oath do hereby find more probably than not, that, Maxwell Gwee, whilst serving as Director of Cartography, Ministry of Lands, Mines, & Energy, David Blayee, whilst serving as County Surveyor, Grand Bassa County, did do and commit the crime of Obtaining or Issuing Deceptive Writings and Forgery and Counterfeiting in violation of Chapter 15, Subchapter E, Sections 15.70(a)(b) and 15.72(b) of the New Penal Law of Liberia, Title 26 of Liberian Codes Revised in the form and manner as follows to wit:

1.2 That between the periods April 2010 to October 2011, Maxwell C. F. Gwee, whilst serving as Director of Cartography, Ministry of Lands, Mines, & Energy, Republic of Liberia, and David Blayee, whilst serving as County Surveyor, Grand Bassa County respectively, did knowingly, purposely, willingly and deliberately issue inaccurate Verification Reports and Certificate of validation in response to inquiries made by the Forestry Development Authority (FDA) for deeds presented to the FDA by applicants for Private Use Permits but these Verification Reports and Certificates of Correction were false and lacking in substance and contained no attempt to authenticate the deeds for there were no consistent standards

used by the Defendants mentioned herein to verify and authenticate the deeds presented to them by the FDA. The Verification Reports and Certificates of Correction issued by the Defendants formed the basis for the FDA issuance of Private Use Permits to several individuals for the conduct of commercial forestry on Community Forest Land even though they were not authorized to execute and issue Certificate of Correction in any form or manner.

1.3 That Co-Defendant David Y. Blayee in a memorandum to FDA dated December 8, 2010, regarding the PUP issued to the People of Zaye Town/Sarah Miller submitted a certificate of correction increasing the size of the deeded land from 1,200 acres to 13,743.74 acres without the authority to do so, and with intent to defraud and to create an opportunity for the PYP holder to defraud the Private Prosecutrix and the Government and people of Liberia.

1.4 That co-defendant David Y. Blayee in a memorandum to FDA dated October 3, 2011 regarding the deeded land for the people of Deekpeh Section (PUP 24), co-defendant Blayee knowingly and purposefully issued a non-descript certificate of correction that changed the size of the deeded land area from 1,200 acres to 13,743.74 acres, an increase of 12,543.74 acres without the authority to do so and with intent to defraud and make an opportunity for the PUP holder to defraud the private prosecutrix and the Government and people of Liberia.

1.5 That co-defendant David Y. Blayee in a memorandum dated July 14, 2011 issued a certificate of correction regarding the deeded land for the people of Dorzohn and Chief Jay-nor. Co-defendant Blayee states in the memo that there were technical errors according to landmarks shown. He arbitrarily increased the area on the deed from 300 acres to 1,400 acres without the authority to do so and with intent to defraud and make an opportunity for the PUP holder to defraud the private prosecutrix.

1.6 That co-defendant Maxwell Gwee knowingly and purposely omitted to carry out due diligence in the process of authentication/validation of several deeds and purported to sign as Acting Assistant Minister when the Assistant Minister George Miller was in Liberia and Maxwell Gwee was not so acting, recommending that Private Use Permits be issued based on his authentication of the deeds. Co-defendant Maxwell Gwee validated an Aborigines Grant deed in favor of the Chief, Elders, and Citizens of Kulu Shaw-Boe District even though the deed is said to have been signed by President Tubman on July 12, 1952 and was probated February 10, 1951, meaning that it was probated 17 months before it was even signed by the President. Co-defendant Maxwell Gwee also validate and authenticated an Aborigines Grant deed for the Chief, Elders, and Citizens of Kolahun Chiefdom when, in fact there is no "Kolahun Chiefdom" rather there is a Kolahun District. Co-defendant Maxwell Gwee also validated and authenticated an Aborigines Grant deed for the Chief, Elders, and Citizens of Boe Clan even though the land is said to have been signed by

President Tubman on March 10, 1952 and was probated on January 26, 1950, meaning that it was probated 26 months before it was signed by the President.

1.7 That co-defendants Maxwell Gwee and David Blayee made, uttered, issued, and executed writings purposely and without authority and intentionally to harm the private prosecutrix (FDA) and the government; these writings were issued with the intent to facilitate or cause and which eventually did cause the issuance of Private Use Permits in contravention of law.

1.8 That Chapter 15, Subchapter E, Section 15.70(1)(a)(b) of the New Penal Law of Liberia provides that: "a person has committed forgery or counterfeiting if, with the purpose of deceiving or harming the government or another person, or with knowledge that he is facilitating such deception or harm by another person, he (a) knowingly and falsely makes, completes or alters any writing or subject; or (b) knowingly utters a forged or counterfeited writing or object."

1.9 That Chapter 15, Subchapter E, Section 15.72(1)(b) of the New Penal Law of Liberia provides that: "a person has committed an offense if: (b) with the purpose of deceiving or harming the government or another person, or with knowledge that he facilitated such a deception or harm by another person, he knowingly issues a writing without authority to issue it or knowingly utters a writing which has been procured by deception or has been issued without authority.

COUNT FOUR (4)

4.1 The Grand Jurors for the County of Montserrado, Republic of Liberia, upon oath do hereby find more probably than not, that between the period April 2010 up to and including December 2011, Augustine B. M. Johnson, former Manager for Geo Information System of the Forestry Development Authority, John Kantor, former Technical Manager for Research of the Forestry Development Authority, Torwor Yantay, former Coordinator for Geo Information System, Forestry Development Authority, whilst serving in their respective positions named hereinabove, did receive directly from several logging companies in excess of One Hundred Thousand United States Dollars (US$100,000.00) as compensation or reward for the performance of their respective duties in execution of various functions in respect of the issuance of new Private Use Permits (PUPs) and the conduct of commercial forestry under the regime of the Private Use Permits; thereby committing the crime of Economic Sabotage in violation of Chapter 15, subchapter F, Section 15.80(a)(b)(c)(e) of the New Penal Law of Liberia, Title 26 of Liberian Codes Revised.

4.2 That during the periods July 2010 up to and including November 31, 2011, Augustine B. M. Johnson, former Manager for Geo-Information System (GIS) of the Forestry Development Authority, and while serving in the said position, received in excess of Thirty Eight Thousand Three Hundred Thirty United States Dollars (US$38,330.00) from the managements of Universal Forestry Corporation (US$13,590.00) and Cavalla Forest Company (US$24,740.00) as compensation or reward for

the demarcation of Geetroh Deeded Land Harvestable Area pursuant to the issuance of new Private Use Permits and the conduct of commercial logging by the companies named herein.

4.3 That during the periods July 2010 and December 2011, Torwor T. Yantay, former Coordinator for Geo Information System (GIS) of the Forestry Development Authority and while serving as the Acting Manager for GIS of the FDA received in excess of Thirty Thousand United States Dollars (US$30,000.00) from the Management of Cavalla Forest Company, Inc., as compensation or reward for the demarcation of Cavalla Forest Company, Inc., boundary line for the company's Private Use Permit to the company and the conduct of commercial logging by the company [in] Grand Gedeh County.

4.4 That between the periods 2010 to December 2011, John Kantor, former Technical Manager for Research of the Forestry Development Authority, and while serving the FDA in the said capacity, did receive [the sum of] Fifty One Thousand Five Hundred Thirty Eight United States Dollars Twenty Cents (US$51,538.20) [as amended during trial] as compensation or reward from the Management of Universal Forest Corporation (UFC) representing final payment for boundary line demarcation of the Getro Private Use Permit in Sinoe County.

Chapter 15, Subchapter F, Section 15.80(a)(b)(c)(e) of the New Penal Law of Liberia, Title 26 of Liberian Codes Revised provides that: "a person is guilty of a first degree felony, if he: (a) knowingly conspires or colludes to defraud the Government of Liberia; (b) knowingly makes an opportunity for any person to defraud the Government of Liberia or another; does or omits to do any act with intent to enable another to defraud the Government of Liberia; (c) demands greater sums than authorized by law or receives any fee, compensation or reward for the performance of any duty except compensation from the Government of Liberia."

Thereafter, the appellants herein filed a criminal appearance bond which was challenged by the prosecution, now appellee. However, following hearings on the matter and its justification, the court granted the criminal appearance bond to the appellants.

It is also important to note that the co-defendants, Augustine B. M. Johnson, former GIS Manager of the Forestry Development Authority, and Cllr. Benedict Sagbeh, In-house Counsel of the Forestry Development Authority, also indicted, both filed a separate motion for severance, and same was granted.

Additionally, pursuant to Chapter 18, Section 18.1 of the Criminal Procedure Law, the appellee entered nolle prosequoi with the indicted co-defendant Torwan Yantay, former Acting Manager for Geo Information System of FDA, to have him serve as a witness in this case.

Following the arraignment of the appellants, the case proceeded to trial with the appellee presenting testimonial, documentary, and expert evidence including findings from the Special Independent Investigative Body (SIIB), testimony from FDA officials, Societe General De Surveillance (SGS) representatives, and documentary exhibits relating to deeds, contracts, and forestry permits. The appellee paraded twelve (12) witnesses namely:

i) Hon. Harrison S. Karnwea, Sr. (Managing Director, FDA)
ii) Mr. James Dorbor Jallah (Head of Public Procurement Concession Commission and Chair of the Special Independent Investigative Body)
iii) Cllr. Necular Y. Edwards (Counsel for SGS)
iv) Mr. Joseph Tally (Technical Manager for Commercial Forestry, FDA)
v) Samuel H. Kollison (Senior General Affairs Officer, Foreign Venture)
vi) Mr. Edward Slanger (Universal Forest Corporation)
vii) Mr. Thomas Doe-Nah (Executive Director, CENTAL)
viii) Mr. Walter Y. Wisner (Vice Chairman, Land Commission)
ix) Torwon T. Yantay (former GIS and Remote Sensing Manager, FDA)
x) Mr. Hilary Quetoh (President, Tartweh-Drapoh Youth)
xi) Mr. Subah Kponeh (Chairman, Bondai Clan Community Forest Management)
xii) Mr. Ronnie Lawrence (Head of Internal Audit, FDA)

The appellants, on the other hand, presented nine (9) witnesses and contended that all actions undertaken were within established administrative procedures of the FDA, and that no criminal intent existed. The appellants witnesses included:

i) Mr. Moses Wogbeh (former FDA Managing Director)
ii) John Kantor (former Technical Manager for Research and Development, FDA)
iii) David R. Blayee (former Resident County Surveyor, Grand Bassa County)
iv) Maxwell Gwee (former Director of Cartographic Service, now Ministry of of Mines and Energy)
v) Jangar Kamara (former Technical Manager for Commercial Department, FDA)
vi) Edward Slanger (Managing Director, Universal Forestry Corporation)
vii) Jefferson Zoegbeh (Chairperson, Gheegbarm District #2, Grand Bassa County)
viii) Abdullah R. M. Fahnbulleh (Invoice Coordinator, SGS)

ix) Nyanquoi Dolo (Research Officer, FDA)

The records showed that following witnesses testimonies by the parties, the appellee produced a rebuttal witness in person of Getrude Korvayan Nyaley, the Technical Manager for Community Forestry Department at the Forestry Development Authority, who testified that regulation 103-07 provided for Forest Use Permits, Timber Sale Contracts, Ordinary Forest Management Contract and Large Forest Management Contract, but did not provide for Private Use Permits as testified by co-appellant Moses Wogbeh. The witness also testified that the management of FDA was yet to promulgate the regulation for the issuance of Private Use Permits. She further testified that community land is guarded by the Community Rights Law of 2009 and the 2011 Community Rights Regulation which give rights to contract holders to carryout both commercial and non-commercial activities on their lands.

At the conclusion of the trial, a verdict was returned and final judgment entered. We quote herein pertinent parts of the said trial judge ruling:

> "This court says that the proper license the administration of codefendant Moses Wogbeh should have issued or granted for the land areas ranging from 1,188 hectares up to 4,793 hectares were the Timber Sale Contracts, instead of Private Use Contracts. The land rental fees for [Timber Sale Contracts] (TSC) as provided by law herein quoted above is one dollar twenty-five cents United Sates Dollars (US$1.25) per hectare. 3 of the 4 contracts were in operation for 1 year while 1 of 4 contracts was in operation for 2 years. The total hectares for four PUPs [are] equal to 15,219 hectares and the total land rent due is US$24,652.50.
>
> The Court also says that the proper or legal licenses the administration of co-defendant Moses Wogbeh should have issued or granted for the land areas ranging from 5,564.27 hectares to 49,434 hectares were the Medium Scale Commercial Use Contracts instead of Private Use Permits. The land rental fee for this category of commercial contracts is one dollar twenty-five cents per hectares. 18 of the 38 contracts were in operation for 1 year; 18 of the 38 contracts were in operation for 2 years; while 2 of the 38 contracts were in operation for 3 years. The total hectares for the 38 PUPs is equal to 959,845.07 hectares, the total rent due is US$1,876,012.34.
>
> This Court further says that the legal licenses the administration of co-defendant Moses Wogbeh should have issue or granted for the land area ranging from 51,262 hectares to 139,392 hectares were the Forest Management Contracts (Large Scale Commercial Use Contracts) instead of Private Use Permits granted by the said administration. The land rental for this category is two dollars fifty cents United Sates Dollars per hectare. 14 of these contracts were

in operation for 1 year; 4 of the 19 contracts operated for 2 years while 1 of the 19 was in operation for 3 years. The total hectares of this category are equal to 1,553,086 hectares and the rent due is US$4,724,455.00.

This court says that the land rental fees are paid upon the signing of the contracts and the date of the anniversary of said contracts. The total hectare is 2,528,150.07, and total rent due the government and people of Liberia is US$6,625,119.84. The indictment alleged that the defendants defrauded the government and people of Liberia the sum of 6 million United States Dollars plus. This court says that 6 million plus United States Dollars is not certain; and as such, the total rental due the government and people of Liberia is 6 million United States Dollars.

This court says that there is no evidence produced by the prosecution against the defendants for Criminal Conspiracy, Forgery and Counterfeiting as alleged in the indictment. This court says that the prosecution produced evidence during trial for the crime of Obtaining and Issuing Deceptive Writings by co-defendant David Blayee and Maxwell Gwee, in that, co-defendant David Blayee issued certificate of correction of deeds which increased the quantity of land in the original deeds, while co-defendant Maxwell Gwee verified four PUPs which overlapped the Sapo National Park. The Certificate of Correction of deeds by co-defendant David Blayee and the verification letters of co-defendant Maxwell Gwee facilitated the granting of PUPs by the administration of co-defendant Moses Wogbeh.

The prosecution also established during trial that co-defendant Jangar Kamara and co-defendant Moses Wogbeh did not immediately halt logging activities as mandated by the Board of Directors of the FDA. The records show that the Coard of Directors imposed a moratorium on logging activities in February 2012, but its mandate was affected in June 2012, thereby charging them liable for the Obstruction of Government Function by Public Servants.

It is important to note from the testimony of co-defendant Moses Wogbeh that His Honour Kabineh Ja'neh mandated the Management of FDA to ship the 40,000 cubic meters of logs from the Port of Buchanan, Grand Bassa County when co-defendant Jangar Kamara, then Commercial Manager for FDA, wrote on August 14, 2012 by the directive of MD Wogbeh, a communication to the SGS for the shipment of the logs, while the Alternative Writ of Mr. Justice Ja'neh was issued in early September 2012. Hence, the court says the shipment of the logs at the Port of Buchanan was not upon the mandate of Justice Ja'neh as claimed by co-defendant Moses Wogbeh.

The illegal issuance of the 61 PUPs by the administration of co-defendant Moses Wogbeh as well as the verification letters and certificate of correction deeds which facilitated the granting of said

PUPs are in contravention of Section 18.9 of the National Forestry Reform Laws of 2006 which provides amongst other things that the granting of permit or permission to harvest or use Forest Resources contrary to any provision of the NFRL (2006) commits the crime of economic sabotage.

Wherefore and in view of the foregoing, it is the final judgment of this honorable court that co-defendants David Blayee and Maxwell Gwee are guilty of the crime of Obtaining and Issuing Deceptive Writings; co-defendants Moses Wogbeh and co-defendant Jangar Kamara are hereby guilty for the crime of obstruction of government function by public servants; while co-defendants Moses Wogbeh, John Kantor, Jangar Kamara, David Blayee and Maxwell Gwee are guilty for the crime of Economic Sabotage in the tune of 6 million United States Dollars. They are hereby ordered by this honorable court to restitute the amount of US$6 million to the government and the people of Liberia; failing which, the Clerk of this Court is hereby ordered to prepare a commitment and place same in the hands of the Sheriff to have them detained for the period of five (5) years in the common jail of Montserrado County or any suitable prison facility in this Republic. This court hereby waives fines. AND IT IS HEREBY SO ORDERED.

Given under my hands and seal of this Honorable Court this 25th Day of August A. D. 2015

Signed:
Peter W. Gbeneweleh
Assigned Circuit Judge"

Subsequently, on August 31, 2015, Criminal Assizes "C" modified the sentence relating to the restitution, fine, and the imprisonment as quoted herein below:

"Court's Correction of Sentence

Section 23.5, page 385 of our Criminal Procedure Laws provides for correction or modification of sentence. Section 15.87 of our Penal Code relating to fines and restitution provides "a person tried and convicted under the Sub-Chapter "F" shall be made to restitute the amount stolen and shall be fined an amount not less than $10,000.00 or be imprisoned for not less than ten (10) years or both. If the amount involved is $1,000.00, he shall pay a fine of $5,000.00 or be imprisoned for not less than five (5) years or both."

Consistent with the relevant provision of the New Penal Code of Liberia, this court hereby CORRECT the portion relating to the restitution, fine and the imprisonment as follow:
The defendants, Moses Wogbeh, John Kantor, Janga Kamara, David Blayee and Maxwell Gwee are hereby ordered by this Honorable Court to restitute the amount of 6 million United States Dollars to the government and the people of Liberia as of the date

of the Final Judgment on august 25, 2015, and they are hereby sentenced for the period of ten (10) years as of the date of final judgment on august 25, 2015. The Clerk of this Court is hereby ordered to prepare commitment and place same in the hands of the Sheriff to have them detained for the period of ten (10) years at the Monrovia Central Prison in Montserrado County or any suitable prison facility in this Republic. AND IT IS HEREBY SO ORDERED.

Given under my hands and seal of this Honorable Court this 31st Day of August A. D. 2015

Signed:
Peter W. Gbeneweleh
Assigned Circuit Judge"

Being dissatisfied with the said ruling, the appellants excepted thereto and announced an appeal to this Court for review and determination of the errors alleged in the trial proceedings.

We deem it necessary to quote the appellants' Bill of Exceptions in substance as contained in the records:

" DEFENDANTS /APPELLANTS' BILL OF EXCEPTIONS

1. That Your Honour's Ruling of the 25th day of August, A.D. 2015, and amended on August 31, 2015, adjudging the Defendants/Appellants guilty of the crime of Economic Sabotage contrary to, and against the weight of the evidence adduced at the trial. And for this reason, Defendants/Appellants except.
2. That your Honor's modification of Your Ruling of August 25, 2015, was erroneous, inconsistent and contrary to Section 15.87 of the Penal [Law] and Section 23.5 of the Criminal Procedure Law. And for this reason, Defendants/Appellants except.
3. That under Section 14.3 of the Criminal Procedure law of Liberia and as upheld by the Honorable Supreme Court in several opinions; Momo Kamara v. Republic, 21 LLR 319, text at 323 & 324; Andrew Doe Wiah v. Republic, 38 LLR 385, the state is under an absolute obligation to prove every count of the indictment as charged. That during the trial of the case the state failed to properly carry this burden and [proof] the indictment as charged. Notwithstanding, Your Honor proceeded to carry out the functions assigned to the state by law and produced a calculation different from that presented by the State and made a part of the indictment, and on account of which self-produced calculation held the Defendants/Appellants guilty of the crime of Economic Sabotage. And for this error of Your Honor Defendants/Appellants except.
4. That Economic Sabotage is defined in Sub-Chapter F, Section 15.80 (Fraud on the Internal Revenue of Liberia), of the Penal

[Law] is summarized as: (i) conspiring or colluding to defraud the Government, or providing an opportunity for another to defraud the Government; (ii) making false entry or issuing fraudulent documents or statement; (iii) demanding higher fees than those required by law; and (iv) knowingly violating the provisions of the Revenue and Finance Law of Liberia. Defendants/Appellants submit that the State failed to prove conspiracy, collusion, fraud or any violation of the Revenue and Finance Law of Liberia. There is absolutely no showing of any evidence presented by the State on how the issuance of the Private Use Permit by the Forestry Development Authority amounted to any of the grounds constituting Economic Sabotage. Notwithstanding, Your Honor ruled adjudging the Defendants/Appellants guilty of the crime of Economic Sabotage. And for this error of Your Honor Defendants/Appellants except.

5. That the indictment made by the State relied on a purported unsigned report (the SIIB report) made by a committee set up to investigate the issuance of Private Use Permits (PUP) at the FDA. The said report alleges that in the process of the issuance of the PUP by the FDA, there were commission of conspiracy, collusion, fraud, bribery, forgery, etc. However, this unsigned report fell short of saying who the conspirators were; what fraud was committed and by whom; which document(s) and whose signature(s) were forged and by whom; among others. The State also failed to produce any documentary evidence in respect of fraud and forgery, neither did any witness testify in this respect. Yet, notwithstanding the State's failure to prove the indictment as required by law, Your Honor adjudged the Defendants/Appellants guilty of the crime of Economic Sabotage. And for this error of Your Honor Defendants/Appellants except.
6. That the information contained in the unsigned SIIB report which formed the basis of the Defendants/Appellants indictment was obtained through improper means and should not have been given any consideration by Your Honor. Defendants/Appellants submit that when the investigation into the issuance of the PUP was commenced, it was the impression that such investigation was administrative, but it turned out that same was intended for criminal prosecution. Nowhere in the purported and unsigned SIIB report, nor in the testimonies of the State's witnesses, was it revealed that each of the Defendants had been informed of the purpose of the investigation, their right to be represented by counsel and/or the right not to provide any information to the investigation since in fact the findings of the investigation would be the basis for criminal prosecution. Article 21(c) of the 1986 Constitution of the Republic of Liberia prohibits the admission of statements made by an accused in the absence of counsel against such accused. This provision of the Constitution is upheld by the Honorable Supreme Court of Liberia in the case *Monie and Garzeu v. Republic*, 34 LLR 502, text at 517. That despite Defendants/Appellants objection to the admission of the SIIB

report into evidence, Your Honor relied on the unsigned and illegal report and adjudged the Defendants/Appellants guilty of the crime of Economic Sabotage. And for this error of Your Honor Defendants/Appellants except.

7. The indictment upon which the Defendants/Appellants were charged alleges that Defendants had violated Section 5.6(d)(i) of the National Forestry Reform Law of 2006 which says who may be granted a PUP. However, count 1.5 of the indictment which quotes the section of the law cited supra goes on to say that the Defendants issued PUPs on areas larger than those contained in the deed submitted by the applicants. Interestingly, the indictment does not state that the applicants were not the owners of the land subject of the title deed or that they did not have the required consent or authority of the owners of such lands. Eventhough the State alleged that the land size subject of each PUP was more than that provided for in the accompanied title deed, no evidence was adduced which proved that a resurvey of the land size on the ground was done and it was discovered that the actual land size under the PUP exceeded the metes and bounds as contained in the title deeds; or evidence which showed to what extent each PUP exceeded its title deed. Defendants/Appellants submits that the State failed to carry the burden of proving this count of the Indictment yet Your Honor adjudged that Defendants/Appellants guilty of the crime of Economic Sabotage. And for this error Your Honor, Defendants/Appellants except.
8. That the Defendants/Appellants produced unrebutted testimonies that correction of some deeds were effected but upon orders of courts of competent jurisdiction including the 2nd Judicial Circuit, presided over by Your Honor. Defendants/Appellants say that even though Your Honor was aware and had ordered correction of one of such deeds, Your Honor ruled that the correction of deeds were illegal and unauthorized. Also, the Defendants/Appellants produced unrebutted testimony in respect of letters written by Co-Defendant Maxwell Gwee in the issuance of the PUP. It is a well-established principle of law that when a statement is made to without a rebuttal, the failure to rebut such statement makes the statement true and same would and should be considered in favor of the party making the statement. Your Honor ignore this basic principle of law and adjudged the Defendants/Appellants guilty of the crime of Economic Sabotage. And for this error of Your Honor Defendants/Appellants except.
9. That Defendants/Appellants submit that throughout the trial, the Prosecution did not produce any witness to corroborate the allegations contained in the indictment. It is important in criminal prosecution that the testimonies of the witness corroborate. The State's prime witness was Dorbor Jallah, the head of the Committee that conducted the investigation into the issuance of the PUP. None of the other witness produced by the State corroborated the testimony of witness Jallah. Notwithstanding this flaw in the evidence of the State, Your Honor ruled adjudging the Defendants/Appellants guilty of the

crime of Economic Sabotage. And for this error Defendants/Appellants except.

10. That the state failed to prove; by oral or documentary evidence, the allegation that the Defendants/Appellants obtained and issued deceptive writing. Notwithstanding, Your Honor adjudged Co-Defendant and the other Defendants with the crime of Economic Sabotage. And for this error Defendants/Appellants except.
11. That Defendants/Appellants submit that Your Honor also erred when you adjudged Co-Defendants/Appellants, Moses Wogbeh and Jangar Kamara guilty of the crime of Obstruction of Government Functions by Public Servant when the Prosecution did not lead any evidence in this respect. And for this error of Your Honor, Defendants/Appellants except.
12. Further to the above, Defendants/Appellants say that the Prosecution did not establish that the Co-Defendants, Moses Wogbeh and Jangar Kamara continuously allow logging activities. As a matter of fact, there is no record to the effect that the Board of Directors imposed a Moratorium on logging activities in February of 2012. The Defendants/Appellants Subpoenaed witness in person of Mr. Nyanqoi Dolo, Research Officer at the Forestry Development Authority (FDA) took the witness stand and informed the Court that "we have checked our records there is no final approved Board Resolution or minutes on the moratorium". Only continuation draft minutes was presented to the court by this witness. With this statement, the Prosecution not having made effort to produce a copy of the alleged moratorium prohibiting and preventing the Defendants/Appellants from issuing PUPs for logging activities by the FDA Board, it is indicative that there was no Moratorium issued in the first place. Under our law practice and procedure, the best evidence which the case admits of must always be produced in criminal cases. In light of this, the Moratorium allegedly issued by the Board of the FDA is the best evidence to substantiate the averment contained therein. Same not having been produced, it is a clear indication that there was no Moratorium issued by the Board of Directors of the FDA in the first place. Therefore, Defendants/Appellants cannot be charged with violation of Moratorium which was never issued. And for this error of Your Honor Defendants/Appellants except.
13. Further to the above, Defendants/Appellants submit and say that assuming without admitting that a Moratorium was issued by the Board of Directors of the FDA, said Moratorium was declared illegal and unconstitutional by the then presiding Chamber Justice, His Honor Philip A. Z. Banks, III, which declaration was admitted into evidence by Defendants/Appellants. For this error of Your Honor, Defendants/Appellants except.
14. Defendants/Appellants submit and say that the Honorable Supreme Court of Liberia has held a fundamental and vital principle of good pleading and practice is that allegata et probata must correspond; that nothing can generally be proved that is outside the allegations, and that facts must be proved

substantially as alleged. If they are not thus proved, variance results. Further, that variance is defined as a disagreement between a party's allegation and his proofs; and to be available, it must be in some matter essential and material to the charge or claim. James Saar versus Republic of Liberia, 29 LLR 35, Syls. 19 and 20. A criminal charge levied against a defendant must be proved as laid in the indictment. Augustus Sneh versus Republic of Liberia, 35 LLR 136, Syl. 2. In the light of the facts stated herein-above and the laws cited herein, Defendants/Appellants say that the Plaintiff/Appellee not having proved the material allegations laid in the Indictment; or alternatively stated, Plaintiff/Appellee having failed to prove the Indictment as charged, Your Honor should have brought a verdict of "not guilty" in favor of the Defendants/Appellants. For which error of Your Honor, Defendants/Appellants except.

15. That further to the above, Defendants/Appellants submit that Your Honor refused to have stricken from the records of this Court the SIIB report submitted by the Prosecution on grounds that said report was obtained outside the ambit of the law and as such, it could not be used in a criminal trial. For which error of Your Honor, Defendants/Appellants except.
16. That based upon the averments contained in Counts One (1) through Fifteen (15) herein-above Defendants/Appellants submit and say that the Honorable Supreme Court of the Republic of Liberia has held that where the evidence is so uncertain and inconclusive as to raise a reasonable doubt as to the guilt of the accused, this must operate in his favor and a conviction cannot be upheld. Joseph M. Berrian vs. Republic of Liberia, 2 LLR 258, text at page 259. Further, where the witnesses for the Prosecution contradict each other, a doubt results which operates in favor of the accused as the law is that an accused enters upon his trial on the presumption of his innocence until his guilt is proved beyond a reasonable doubt. J. Kamara Burphy vs. Republic of Liberia, 25 LLR 12, Syls. 1 and 2. Finally, in order to convict an accused, the evidence must be so conclusive as to exclude every rational doubt. Republic of Liberia versus Robert A. Smith, 25 LLR 207, Syls. 2 and 4.
17. Further, Defendants/Appellants say that Your Honor was in error when you ruled that the proper license to have been issued or granted by Co-Defendant Moses Wogbeh's administration should have been granted on land area ranging from 1,188 hectares to 4,793 hectares as Timber Sale Contract instead of Private Use Permit (PUP). The PUPs that were issued by the Administration of Co-Defendant Moses Wogbeh's administration were issued on private land as evidenced by the several deeds admitted into evidence where the Court ordered correction of deeds based on Petition filed by several lawyers at the Second Judicial Circuit Court, Grand Bassa County. Further, under Section 5.6 of the National Forestry Law of 2006, there is no limitation on the land size. Accordingly, and because of the misapplication of this section of the law, Your Honor erred, for which Defendants/Appellants except.

18. Defendants/Appellants say that Regulation 103-07 provides for four categories of resource licenses to include: (a) Major Forest Use Permit (FUPs); (b) Timber Sale Contracts (TSCs); (c) Ordinary Forest Management Contracts (FMCs), less than 250,000 hectares of land; and (d) Large Forest Management Contracts (FMCs), ranging from 250,000 hectares of land or more, as correctly stated by Your Honor. However, Your Honor failed to take into account that the Moses Wogbeh administration used Regulation 103-07, Section 22(a)(b)(c) and Section 23(a)(b)(c) to issue PUPs because said regulations provide that PUPs or any other forest resource license for that matter should not be issued to debarred persons or all persons who have aided and abetted in civil disturbances or involving use of weapons. For this error of Your Honor, Defendants/Appellants except.
19. Defendants/Appellants submit that the law relied upon in modifying the sentence imposed on the Defendants/Appellants is inapplicable. Section 23.5 of the Criminal Procedure Law captioned "Power of Court to Modify Sentence" states that the Court may correct an illegal sentence at any time. The Judge who imposed sentence may reduce it during term time. There is nowhere in the provision of this law cited by Your Honor where it is said that the Judge may increase the sentence imposed. Besides, the law says the Court may correct an illegal sentence at any time. For Your Honor to have increased the sentence earlier imposed by you from five years to ten years was against the spirit of Section 23.5 of the Criminal Procedure Law. Also, this provision of the law is only applicable to a defendant who has been illegally sentenced and not for the prosecution. For this erroneous error, Defendants/Appellants except.
20. Defendants/Appellants submit and say that Section 15.87 of the Penal [Law] relating to fines and restitution is also not applicable in the instant case. Section 15.87 says "a person tried and convicted under sub-chapter (F) shall be made to restitution the amount stolen and shall be fined an amount not less than US$10,000.00 or shall be imprisoned for not less than ten years or both." The evidence produced by the prosecution failed to establish that Defendants/Appellants stole anything, but rather alleged that the Defendants/Appellants were involved in blatant abuse of their offices in violation of several provisions of the National Forestry Reform Law of 2006 and the Community Rights Law of 2009, and that the Government of Liberia had suffered a loss of over Six Million United States Dollars. The provision relied upon by Your Honor fell short of the allegation contained in your ruling as well as in the indictment. Accordingly, and because of the erroneous ruling of Your Honor, Defendants/Appellants except.
21. Defendants/Appellants submit that Sub-Chapter "F" captioned "Economic Sabotage" in the Penal [Law] relied upon by Your Honor in convicting the Defendants/Appellants is not applicable to the facts adduced during the trial. The prosecution failed to establish that the Defendants/Appellants in granting the PUPs and that the prosecution did not establish that the

Defendants/Appellants benefited from the issuance of PUPs to individuals that operated same. The failure of the prosecution to prove beyond all reasonable doubt that Defendants/Appellants had intent to defraud the Government of Liberia of needed revenue is enough reason to acquit the Defendants/Appellants. Your Honor's failure to do so was erroneous, for which error Defendants/Appellants except.

22. Defendants/Appellants submit that Your Honor also committed a reversible error when you refused and failed to grant Defendants/Appellants Motion for Judgment of Acquittal at the resting of evidence by the Prosecution as provided by law for lack of evidence, and instead requested the Defendants/Appellants take the witness stand. For which error of Your Honor, Defendants/Appellants except.
23. Defendants/Appellants say that Your Honor also committed a reversible error when Your Honor considered the SIIB report which formed the basis of the indictment knowing fully well that the statements extracted from the Defendants/Appellants were obtained through fraud and misrepresentation. Additionally, the committee was not authorized to conduct a criminal investigation, and in fact did not have the statutory responsibilities to conduct criminal investigation. Therefore, it was error to have accorded said report relevance in the prosecution of the Defendants/Appellants. For which error of Your Honor, Defendants/Appellants except.
24. Further to the above, Defendants/Appellants say that the SIIB Committee not having the statutory responsibility to conduct a criminal investigation should have, if they believe or had reason to believe that the Defendants/Appellants committed criminal offense or offenses, referred said matter to the Ministry of Justice which has the statutory responsibility to investigate all criminal matters. Further, this monumental error committed by the SIIB Committee, for not referring the conduct of the Defendants/Appellants to the Ministry of Justice for further investigation and adjudging Defendants/Appellants guilty of the commission of various crimes, makes the SIIB report a legal nullity. Notwithstanding, Your Honor adjudged the Defendants/Appellants guilty of the crime charged in the indictment. For which error of Your Honor, Defendants/Appellants except.
25. Defendants/Appellants say that Your Honor committed a reversible error when you ruled as found on page 26 of your ruling that Section 5.6 of the National Forestry Reform Law of 2006 relied upon by the administration of Co-Defendant Moses Wogbeh is not the proper and legal license for the granting of Timber Sale Contracts and the Forest Management Contracts under Section 5.3 and 5.4 of the National Forestry Reform Law of 2006. This ruling of Your Honor is a complete misrepresentation of the facts as presented before this Court. Defendant Moses Wogbeh did not say that they relied on Section 5.6 to issue Timber Sale Contracts and Forest Management Contracts. Accordingly, and because Your Honor

misapplied the law, same amount to error. For which error, Defendants/Appellants except.

26. Defendants/Appellants say that Your Honor failed, refused and neglected to rule promptly after the close of the argument on both sides for almost a month and postponed the ruling of this case on several occasions quite contrary to law especially so where Defendants/Appellants waived jury trial. Therefore, it was incumbent upon you to have ruled within a reasonable time which was not done in the instant case. For which Defendants/Appellants except.
27. That based on the averments contained in Counts One (1) through Twenty-Six herein-above, Defendants/Appellants say that the Final Judgment of Your Honor, ruling Defendants/Appellants guilty of the crime of Economic Sabotage is erroneous and prejudicial. For which Defendants/Appellants except.

During the hearing before this Court, the appellants argued that they had the authority to grant and/or issued Private Use Permits consistent with Section 5.6 of the National Forest Reform Law of Liberia (2006), which we quote herein:

> "Section 5.6 Private Use Permits and Other Commercial Use on Private Land
>
> a. No Person shall undertake Commercial Use of Forest Resources on private land without satisfying the requirements of this Section.
> b. If the Commercial Use is covered under a Forest Use Permit that the Authority has issued under Section 5.5 of this Law, the Person must be in compliance with the Forest Use Permit and must have the permission of the Land Owner.
> c. If the Commercial Use is not covered under a Forest Use Permit that the Authority has issued under Section 5.5 of this Law:
> (i) If the Person is not the Land Owner, the Person must have permission from the Land Owner in writing.
> (ii) The Person must have a valid Private Use Permit from the Authority.
> (iii) The Person must have a valid Annual Harvesting Certificate from the Authority.
> d. The Authority shall attest to a Private Use Permit only if all of the following conditions are satisfied:
> (i) The applicant is the Land Owner or the applicant has written permission from the Land Owner to undertake the Commercial Use.
> (ii) The Commercial Use is consistent with the classification of the land in the Strategy adopted under Section 4.4 of this Law, and the Authority has validated the classification locally under Section 4.5 of this Law.
> (iii) The applicant is not disqualified from obtaining a Forest Resources License under Section 5.2 of this Law.
> (iv) The applicant presents the Authority with a business plan and demonstrates to the Authority's satisfaction that the

applicant has the technical and financial capacity to manage the forest sustainably.

(v) The applicant has prepared a five-year land management plan satisfactory to the Authority and has complied with all legal requirements for environmental impact assessment.

(vi) The applicant and the Land Owner commit in writing to a social agreement that shall be attested to by the Authority and that defines benefits and access rights for local forest-dependent communities.

e. The Authority shall limit the term of a Private Use Permit to the time necessary to carry out the activities described in the management plan, and in no case longer than the expected rotation age of the forest.

f. The Authority shall issue the Holder of a Private Use Permit an Annual Harvesting Certificate only after the Authority has approved the Holder's annual Operations plan.

g. No Person shall conduct Operations on private land in violation of the Forest Management Guidelines or the Code of Forest Harvesting Practices that the Authority adopts under Section 8.1 of this Law.

h. No Person shall conduct Operations on private land that are inconsistent with the land management plan required under Subsection (d) of this Section or the annual Operations plan required under Subsection (f) of this Section.

In furtherance, the appellants also argued that the judge erred when he set aside the land rental calculation contained in the indictment by the prosecution and proceeded by his own method of calculation, which they believe that the prosecution did not prove its case beyond a reasonable doubt as required by law. Citing several cases including *Saar v. Republic of Liberia, 29 LLR 35 (1981)* and *Sneh v. Republic of Liberia, 35 LLR 136 (1988),* the appellants contended that the appellee failed to prove the material allegations as charged in the indictment.

This Court observes from the appellants' brief serious allegations meted against the Assigned Circuit Judge in this case, His Honor Peter W. Gbeneweleh, alleging that the conduct of the judge "proved that he aided and formed part of the prosecution team in adjudicating this matter." The appellants furthered alleged that the prosecution and the judge "lacked understanding of the basic terminologies one must possess to be able to interpret the mandate, meaning and objective[s] of the National Forestry Reform Law (2006)."

On the other hand, the appellee argued that the appellants knowingly issued PUPs on community forest lands, in violation of the National Forestry Reform Law (2006) and Community Rights Law (2009); that the permits were based on fraudulent deeds, falsified verification reports, and illegal certificates of correction; that the

communities never consented to the issuance of these permits; that the permits overlapped with protected forest areas; and that the appellants violated a Board-imposed moratorium. The appellee also contended that certain appellants received illegal payments from logging companies; and that the scheme resulted in loss exceeding Six Million United States Dollars (US$6,000,000.00) in land rental revenues. The appellee further asserts that the evidence at trial was overwhelming and satisfied the standard of proof beyond reasonable doubt.

This Court will now proceed to dispose of what it has determined to be the relevant and contentious issues in this case. It is trite law that the Supreme Court need not pass on all of the issues in the bill of exceptions or in the briefs filed by the parties, but only those that are important and germane to the determination of the case. *Olivia Newton v. Augustus D. Kormah, Supreme Court Opinion, October Term 2022; CBL v. TRADEVCO, Supreme Court Opinion, October Term 2012.*

Hence, this Court finds the following issues dispositive of this appeal:

1. Whether or not the appellee established beyond a reasonable doubt that the appellants committed the crime of Economic Sabotage in violation of Section 15.80 of the Penal Law and Section 18.9 of the National Forestry Reform Law of 2006?

2. Whether or not co-appellants Moses Wogbeh and Jangar Kamara were properly convicted of the crime of Obstruction of Government Function by Public Servants?

3. Whether or not co-appellants David Blayee and Maxwell Gwee were properly convicted of the crime of Obtaining and Issuing Deceptive Writings?

4. Whether or not the appellee proved the indictment substantially as laid?

5. Whether or not the trial court committed reversible error in admitting and considering the findings of the Special Independent Investigative Body (SIIB)?

6. Whether or not the sentence imposed by the trial court was lawful?

We will now proceed to answer these questions in the order they have been outlined.

As to the first issue of whether or not the appellee established beyond a reasonable doubt the crime of Economic Sabotage against the appellants in violation of Section 15.80 of the Penal Law and Section 18.9 of the National Forestry Reform Law of 2006, this Court answers in the affirmative.

The appellants contended that the appellee failed to establish the essential elements of the crime of Economic Sabotage under Section 15.80 of the Penal Law, Title 26, Liberian Code of Laws Revised. They argue that the issuance of Private Use Permits (PUPs) was authorized by Section 5.6 of the National Forestry Reform Law of 2006 and that any deficiencies associated with the permits constituted, at most, administrative irregularities insufficient to sustain criminal liability. The appellants further submitted that the prosecution failed to establish conspiracy, collusion, fraud, or intent to defraud the Government of Liberia. They maintained that no evidence was adduced showing that they personally received financial benefit from the permits or unlawfully appropriated public funds. Accordingly, they contend that the judgment of conviction for Economic Sabotage cannot stand.

The appellee, on the other hand, argued that the evidence established a deliberate and coordinated scheme through which sixty-one (61) Private Use Permits were issued over approximately 2.5 million hectares of forest lands in direct violation of the National Forestry Reform Law of 2006 and the Community Rights Law with Respect to Forest Lands. The appellee contended that the permits were unlawfully issued over community forests lands, protected forest areas, and lands unsupported by valid ownership documentation; that statutory environmental requirements were disregarded; and that the conduct of the appellants facilitated the unlawful exploitation of Liberia's forest resources to the detriment of the Government of Liberia and affected communities.

The law governing criminal proceedings in this jurisdiction is settled that the burden of proof rests squarely upon the prosecution to establish the guilt of the accused beyond a reasonable doubt. This requirement is not merely a procedural formality, but a fundamental safeguard embedded in our criminal jurisprudence. Section 1.5(1) of the Penal Law provides that “no conduct constitutes an offense unless it is a crime or infraction under this title or another statute of Liberia.” Further, Section 1.6(3) provides that “the prosecution must sustain the burden of proving the defendant guilty beyond a reasonable doubt as to that issue together with all the other elements of the offense.” Consistent with these statutory provisions, this Court held in *Madam*

Elizabeth Davis v. Republic of Liberia, 40 LLR 659 (2001), that in order for the Republic of Liberia to convict a criminal defendant, the prosecution must prove the guilt of the accused with such legal certainty as to exclude every reasonable hypothesis of innocence and that every material fact necessary to constitute the offense charged must be proven beyond a reasonable doubt. Likewise, in *J. Kamara Burphy v. Bureau of Traffic, 25 LLR 12 (1976),* this Court held that the burden of proof remains with the prosecution throughout the trial and never shifts to the accused.

Turning to the offense charged, Section 15.80 of the Penal Law provides, in relevant part, that a person commits the offense of Economic Sabotage if he knowingly conspires or colludes to defraud the Government of Liberia, knowingly creates an opportunity for another person to defraud the Government of Liberia, or knowingly performs or omits an act which enables another person to defraud the Government of Liberia, or makes or signs fraudulent entries, certificates, returns, or statements in connection with governmental functions. Likewise, Section 18.9 of the National Forestry Reform Law of 2006 expressly classifies certain forestry-related misconduct as Economic Sabotage. Specifically, Sections 18.9(b) and (c) provide that an employee or agent of the Forestry Development Authority commits Economic Sabotage where he grants permission to harvest or use forest resources in contravention of law or in a manner inconsistent with the status of protected or proposed protected areas.

This Court has held that where the language of a statute is plain, clear, and unambiguous, there is no room for judicial construction, and the courts are bound to give effect to the legislative intent expressed therein. *Freeman et al. v. Lewis et al., 40 LLR 103 (2000).* Applying that principle to Section 18.9 of the National Forestry Reform Law of 2006, it is evident that the Legislature deliberately elevated unlawful authorization of forestry activities beyond the realm of ordinary regulatory violations and expressly categorized such conduct as Economic Sabotage. In so doing, the Legislature recognized that Liberia's forests constitute a strategic national resource whose unlawful exploitation threatens the economic welfare of the Republic. Consequently, forestry-related abuses involving unlawful permitting and resource extraction were elevated beyond mere administrative infractions and placed among the gravest offenses against the State.

We therefore reject the appellants' contention that the prosecution was required to establish personal enrichment as an essential element of the offense. Neither Section 15.80 of the Penal Law nor Section 18.9 of the National Forestry Reform Law of 2006 requires proof that an accused personally received money, property, or any other financial benefit. Rather, the statutes criminalize conduct that knowingly facilitates fraud against the Government, creates opportunities for unlawful exploitation of public resources, or authorizes activities expressly prohibited by law. The gravamen of the offense is the abuse of public authority resulting in unlawful exposure of governmental resources to exploitation and loss.

The records before us reveal that the prosecution presented substantial testimonial, documentary, and circumstantial evidence establishing that sixty-one (61) Private Use Permits were issued over approximately 2.5 million hectares of forest lands throughout Liberia. The evidence further established that fifty-six (56) of those permits were issued over lands qualifying as community forests protected under the Community Rights Law with Respect to Forest Lands. The prosecution also established that permits were issued without compliance with mandatory environmental requirements, including Environmental Impact Assessments required by law. Documentary evidence further demonstrated that permits were issued over areas substantially exceeding deeded acreage and were supported by deeds containing material defects, unauthorized corrections, and irregular validations. The evidence likewise established that certain permits affected protected or proposed protected forest areas contrary to statutory restrictions. Collectively, these violations cannot be dismissed as mere administrative errors or technical irregularities. This conclusion is reinforced by the testimony of Hon. Harrison S. Karnwea, Sr., then Managing Director of the Forestry Development Authority, who explained the statutory distinction between Private Use Permits and Community Forest Management Agreements. The witness testified:

> "Private Use Permit (PUP) is awarded to private land owner who have tree on their land and need to do commercial business... it does not pay land rental fee to the Government of Liberia. The other one is Community Forest Management Agreement (CFMA)... whoever operates is going to pay land rental fee out of which fifty-five (55%) percent go to the community and forty-five (45%) percent go to the Government of Liberia."

The witness further explained that a PUP applicant must possess title to the land, obtain environmental approval, submit a business plan, and satisfy all statutory requirements before a permit may lawfully issue. This testimony established that the Legislature deliberately created separate legal regimes governing private lands and community forests and that the use of Private Use Permits over community forest lands circumvented the statutory framework established by the National Forestry Reform Law of 2006 and the Community Rights Law with Respect to Forest Lands.

Section 5.6 of the National Forestry Reform Law of 2006 authorizes the issuance of Private Use Permits only upon satisfaction of mandatory statutory conditions, including ownership verification, environmental compliance, proper land classification, approved management plans, and adherence to other legal safeguards. The authority conferred by the statute is therefore conditional and not absolute. Public officials who knowingly exercise statutory authority beyond the limits prescribed by law cannot seek protection under the very statute they have violated. Public office does not confer immunity from accountability; rather, it imposes a heightened obligation of fidelity to law. The evidence introduced at trial demonstrated repeated and substantial failures to comply with these statutory requirements. This Court cannot regard such failures as minor, inadvertent, or inconsequential. The National Forestry Reform Law of 2006 established a comprehensive framework intended to ensure transparency, accountability, environmental sustainability, and lawful management of Liberia's forest resources. The safeguards enacted by the Legislature were designed to prevent precisely the type of abuses disclosed by the evidence in this case. When public officials charged with enforcing those safeguards knowingly disregard them and proceed to authorize exploitation of forest resources nonetheless, such conduct constitutes not merely a violation of administrative procedures, but a violation of the criminal laws enacted for the protection of the Republic and its people. The absence of meaningful community participation was further established through the testimony of Hilary Quetoh, President of the Tartweh-Drapoh Youth Association in Sinoe County. The witness testified:

> "We the people of Tartweh Drapoh, we never had a meeting to agree upon social agreement between the people of Tartweh Drapoh and any other logging company."

The witness further testified:

> "There has been no point in time we have applied for PUPs to FDA."

This testimony directly refuted any assertion that the permits were issued upon informed community consent and provided compelling evidence that statutory safeguards designed to protect community interests were disregarded.

James Dorbor Jallah, Chairman of the Special Independent Investigative Body (SIIB), testified concerning the scope and findings of the investigation. The witness stated:

> "We then did a review of all the sixty-three (63) PUPs and after that review, we did a field visit to interact with communities that purportedly approved the PUPs. After the field visit, we returned to Monrovia and then did an analysis of all the materials including interviews conducted with some of the defendants and the communities that we visited."

The witness further testified that the investigation revealed widespread violations of the National Forestry Reform Law of 2006 and the Community Rights Law with Respect to Forest Lands and disclosed a pattern of unlawful permitting practices affecting community forests, protected areas, and lands unsupported by valid ownership documentation.

As to co-appellant Moses Wogbeh, the evidence established that he served as Managing Director of the Forestry Development Authority and exercised final operational authority over the permit issuance process. The records revealed that he approved, executed, and authorized permits notwithstanding substantial deficiencies identified during the review process. As to co-appellant John Kantor, the evidence established that he participated in land verification processes and submitted recommendations relied upon in approving permits. The evidence further demonstrated that permits were issued over areas substantially exceeding deeded acreage and over lands affected by statutory restrictions. Regarding co-appellant Jangar Kamara, the evidence established active participation in the implementation and administration of the permit regime and subsequent actions connected thereto. The records reveal conduct facilitating the continuation of activities associated with permits whose legality had become the subject of governmental concern. The evidence likewise connected co-appellants David Blayee and Maxwell Gwee to the permit approval process through the issuance of certificates of correction, deed validations, and other writings relied upon in approving permit applications. The trial court was therefore justified in considering such conduct as part of the overall scheme facilitating the unlawful issuance of permits resulting in economic sabotage.

The investigative findings concerning the financial consequences of the permit regime were likewise testified to by James Dorbor Jallah, who stated:

> "The calculated amount that the Government would have benefited would have been US$6,000,000.00, but that was lost in revenue."

The Court is satisfied that this testimony, considered together with the documentary evidence admitted during trial, provided a sufficient evidentiary basis for concluding that substantial economic harm resulted from the unlawful issuance and implementation of the permits.

This Court has held that the evidence in a criminal case against an accused must be conclusive, and where such evidence is circumstantial, the circumstances proved must be so connected as to form a chain leading irresistibly to the conclusion of the accused guilt. *Nimley Koffe v. Republic of Liberia*, *20 LLR 18 (1970).* The evidence presented by the appellee satisfies that standard. The repeated statutory violations, the issuance of permits over community and protected forest lands, the unauthorized deed corrections and validations, the absence of required environmental safeguards, and the coordinated actions of the appellants collectively establish a pattern of conduct that was neither accidental nor the result of mere negligence. Rather, the evidence supports the conclusion that the appellants knowingly participated in conduct prohibited by law. The prosecution's evidence concerning the absence of community consultation was further corroborated by the testimony of Thomas Doe-Nah, a member of the investigative body. According to the witness, field investigations conducted in Grand Bassa, Rivercess, Sinoe, Grand Kru, and Grand Gedeh Counties revealed that many communities had never been consulted regarding permits issued in their names. The witness further testified that verification memoranda purporting to document community participation did not accurately reflect the views of the affected communities and that several communities were unaware of the contents of agreements executed on their behalf. This testimony further supports the conclusion that statutory protections established under the Community Rights Law were not observed.

The appellants urge this Court to characterize the evidence as establishing, at most, poor administrative judgment. We decline to do so. The records reveal repeated statutory violations involving numerous permits, multiple counties, substantial acreage, and a series of interconnected official actions. Such conduct was neither isolated nor inadvertent. While criminal intent is seldom susceptible of direct proof,

it may be inferred from the surrounding facts and circumstances established by the evidence. The pattern of conduct disclosed by the records before us provided the trial court with a sufficient basis from which to infer knowledge, intent, and coordinated participation in the unlawful permitting scheme.

The testimony of Walter Y. Wisner, Vice Chairman of the Land Commission and Commissioner for Land Administration, further corroborated the existence of substantial irregularities in the land documentation supporting numerous permit applications. The witness testified that deeds reviewed by the Land Commission contained probate irregularities, dating inconsistencies, signature discrepancies, incomplete documentation, and other defects affecting their authenticity and reliability. Such testimony supports the conclusion that the permitting process relied upon documents containing obvious and material deficiencies.

The appellants further invite this Court to reweigh the evidence and substitute its judgment for that of the trial court. This Court declines that invitation. It is well settled that "the sufficiency of evidence to prove the main fact of guilt, or any evidentiary fact looking thereto, is a matter within the province of the jury. They are the triers of fact, the sole judges of the weight and worth of the evidence and the credibility of witnesses." *Republic of Liberia v. Ezzat N. Eid et al., 37 LLR 761 (1995)*. This Court has likewise held that "whilst admission of evidence is the right of the court, what weight, credibility and effect the evidence should have is with the jury. No Judge may invade this province without infringing the legal rights of those selected and sworn to try the fact." *Collins v. Republic*, *21 LLR 366 (1972)*. It is further settled that an issue is determined not by the number of witnesses testifying for either side, but by the greater weight and sufficiency of the evidence, of which the trier of fact is the sole judge. *Nimley v. Republic, 21 LLR 348 (1972)*; *Collins v. Republic*, supra. Accordingly, the function of this Court is not to retry the case or substitute its judgment for that of the trier of fact, but to determine whether the record contains competent evidence from which the jury and the trial court could properly conclude that the appellants were guilty beyond a reasonable doubt. Having carefully reviewed the records certified to this Court, we are satisfied that such evidence exists in abundance.

In reaching this conclusion, this Court carefully considered the testimony of Harrison S. Karnwea, Sr., James Dorbor Jallah, Thomas Doe-Nah, Hilary Quetoh, Walter Y. Wisner, and the other witnesses who appeared during trial. Their

testimony, when considered together with the documentary exhibits admitted into evidence, established a consistent and compelling evidentiary basis demonstrating that the issuance of the sixty-one (61) Private Use Permits occurred in violation of the National Forestry Reform Law of 2006 and the Community Rights Law with Respect to Forest Lands and resulted in substantial harm to the Government of Liberia and affected communities.

As this Court stated in *R.L. v. Eid et al., 37 LLR 761 (1995),* an accused is presumed innocent until the contrary is proved beyond a reasonable doubt. Moreover, in *Intrusco Corporation v. Mohamoud Osseily, 32 LLR 558 (1985),* this Court observed that the prosecution satisfies its burden when it establishes such a state of facts as would convince an unprejudiced and rational mind of the guilt of the accused after careful consideration of all the evidence. Applying that standard to the records before us, we are fully satisfied that the appellee established beyond a reasonable doubt that the appellants knowingly participated in conduct expressly prohibited by Section 15.80 of the Penal Law and Section 18.9 of the National Forestry Reform Law of 2006. The evidence established that the appellants facilitated and implemented the issuance of Private Use Permits in contravention of mandatory statutory requirements, thereby creating opportunities for the unlawful exploitation of Liberia's forest resources and causing substantial harm to the Government of Liberia and affected communities.

Accordingly, we hold that the appellee proved every material element of the offense of Economic Sabotage beyond a reasonable doubt. Therefore, this Court finds no reversible error in the judgment of the trial court, and the convictions of appellants Moses Wogbeh, John Kantor, Jangar Kamara, David Blayee, and Maxwell Gwee for the crime of Economic Sabotage are hereby affirmed.

As to the second issue of whether or not co-appellants Moses Wogbeh and Jangar Kamara were properly convicted of the crime of Obstruction of Government Function by Public Servants, this Court also answers in the affirmative.

The co-appellants contended that the prosecution failed to establish the essential elements of the offense of Obstruction of Government Function by Public Servants. They argued that no competent evidence was introduced demonstrating that they intentionally obstructed, impaired, or perverted any governmental function. They further submitted that the appellee failed to produce any final Board Resolution or

officially approved minutes establishing the existence of the alleged moratorium upon which the charge was predicated. The co-appellants maintained that absent proof of a valid moratorium, no criminal liability could attach for its alleged violation. They also argued that even if a moratorium existed, the same was subsequently declared unlawful, rendering the charge unsustainable.

The appellee, on the other hand, argued that the evidence conclusively established that co-appellants Moses Wogbeh and Jangar Kamara deliberately frustrated the implementation of directives issued by the Board of Directors of the Forestry Development Authority (FDA) and later reaffirmed by the then President of the Republic of Liberia, Madam Ellen Johnson Sirleaf. The appellee contended that the co-appellants intentionally failed to communicate the moratorium in a timely manner, issued instructions inconsistent with the moratorium, and authorized activities which permitted the continued shipment of logs under suspended Private Use Permits, thereby impairing and perverting the lawful functions of government.

The offense of Obstruction of Government Function by Public Servants is governed by Section 12.3 of the Penal Law, which provides that:

> "A public servant commits a misdemeanor of the first degree if he purposely obstructs, impairs or perverts the administration of law or other governmental function by committing any breach of official duty."

A plain reading of the statute reveals four essential elements: first, the accused must be a public servant; second, there must exist a governmental function or legal duty to be administered; third, the accused must commit a breach of official duty; and fourth, such breach must purposely obstruct, impair, or pervert the administration of law or governmental function. Therefore, in determining whether the convictions were proper, this Court must examine whether the prosecution established each of these elements beyond a reasonable doubt.

The records before this Court established beyond dispute that both Moses Wogbeh and Jangar Kamara were public servants within the meaning of the Penal Law. During the period relevant to this case, Moses Wogbeh served as Managing Director of the Forestry Development Authority, while Jangar Kamara served as Technical Manager for Commercial Forestry at the Forestry Development Authority. Their statuses as public officials are neither contested nor disputed. Consequently, the first element of the offense was clearly established.

The next inquiry is whether there existed a governmental function capable of being obstructed, impaired, or perverted. The evidence adduced at trial established that in February 2012, the Board of Directors of the Forestry Development Authority directed the suspension of activities relating to Private Use Permits following growing concerns regarding the legality of numerous permits that had been issued. Testimony presented by the prosecution established that the management of the FDA was instructed to communicate the suspension to permit holders and to Societe Generale de Surveillance (SGS), the institution responsible for implementing Liberia's timber chain-of-custody system. The records further revealed that the suspension directive was subsequently reinforced through executive action following public concerns regarding the legality of the permits and the findings of the Special Independent Investigative Body (SIIB).

The existence and implementation of the moratorium were further established through the testimony of James Dorbor Jallah, Chairman of the Special Independent Investigative Body. The witness testified that the investigation revealed that the Board of Directors of the Forestry Development Authority directed management to suspend activities relating to Private Use Permits and to communicate the suspension to permit holders and SGS. According to the witness, co-appellant Jangar Kamara "purposely refused to communicate the said directive to the concerned parties, SGS and the holders as mandated by the Board of Directors of FDA." The witness further testified that both Moses Wogbeh and Jangar Kamara acted contrary to directives subsequently reaffirmed by the then President of the Republic of Liberia, Madam Ellen Johnson Sirleaf. This testimony supports the finding that the moratorium constituted an official governmental directive which the appellants were duty-bound to implement.

The co-appellants place considerable reliance upon the argument that no final Board Resolution or formally approved minutes were introduced into evidence. This Court is not persuaded that the absence of such documents is fatal to the prosecution's case. Criminal liability under Section 12.3 of the Penal Law does not depend solely upon the production of a particular written instrument. The controlling inquiry is whether the evidence establishes beyond a reasonable doubt that the accused knowingly breached official duties in a manner that impaired governmental operations. Governmental functions are frequently administered through directives, instructions, communications, administrative decisions, and institutional actions that do not

necessarily depend upon a single written resolution. The record demonstrates that multiple witnesses testified regarding the existence of the moratorium, the instructions communicated by the Board, and the responsibilities assigned to management officials. More importantly, the conduct of the co-appellants themselves confirms their knowledge of the suspension and their obligation to implement it.

This Court notes that the evidence did not merely establish the existence of the moratorium; it established actual knowledge thereof by the appellants. James Dorbor Jallah testified that the appellants participated in meetings and communications concerning the suspension and were fully aware of the Board's instructions. Their subsequent actions must therefore be evaluated in light of that knowledge and responsibility.

The evidence established that co-appellant Moses Wogbeh failed to notify affected permit holders and SGS of the suspension within a reasonable period despite instructions from the Board. The records reveal that although the Board’s directives were issued in February 2012, co-appellant Moses Wogbeh did not communicate the suspension to SGS until June 15, 2012, approximately four months later. The trial court was entitled to conclude that such delay was not a mere oversight but constituted a breach of official duty inconsistent with the obligations imposed upon the Managing Director of the Forestry Development Authority. As the chief executive officer of the institution, co-appellant Moses Wogbeh bore primary responsibility for ensuring that directives of the Board were promptly implemented.

This finding is further supported by the testimony of James Dorbor Jallah, who testified that despite clear instructions from the Board of Directors, co-appellant Moses Wogbeh failed to timely communicate the suspension to affected permit holders and SGS. The witness explained that implementation of the moratorium depended upon prompt communication by FDA management and that such communication was not undertaken within the period directed by the Board.

Equally significant are the actions of co-appellant Jangar Kamara. The evidence established that on June 22, 2012, co-appellant Kamara transmitted communications to SGS that altered and qualified the scope of the suspension by creating exceptions not authorized by the Board. The records further reveal that on August 14, 2012, after the suspension had been reaffirmed, co-appellant Kamara informed SGS that

shipments from the Port of Buchanan should be permitted to proceed so long as financial obligations had been satisfied. The following day, August 15, 2012, he again communicated with Societe Generale de Surveillance (SGS) regarding anticipated shipments involving approximately 40,000 cubic meters of logs. These actions cannot reasonably be characterized as ministerial or routine communications. Rather, they constituted affirmative instructions which were inconsistent with the suspension directives and had the practical effect of allowing activities that governmental authorities had sought to halt. Cllr. Necular Y. Edwards of SGS testified that the communications received by SGS effectively created exceptions to the suspension and permitted continued movement of timber products during the moratorium period. The Court finds that such evidence directly supports the conclusion that the actions of the appellants frustrated implementation of governmental policy and impaired the effectiveness of measures adopted to halt activities under the questioned permits.

The nature and effect of these communications were corroborated by the testimony of Cllr. Necular Y. Edwards of SGS. The witness produced correspondence and electronic communications exchanged between FDA officials and SGS during the period of the moratorium. According to the witness, the communications transmitted by co-appellants Moses Wogbeh and Jangar Kamara authorized shipments and activities notwithstanding the suspension directives previously issued by the Board of Directors and later reaffirmed by the President of the Republic of Liberia.

The co-appellants argued that the prosecution failed to establish actual obstruction. This argument ignores the plain language of Section 12.3 of the Penal Law. The statute does not require proof that governmental functions were completely halted or rendered impossible. Rather, it criminalizes conduct that obstructs, impairs, or perverts governmental functions. The offense is complete where official conduct frustrates, delays, undermines, or compromises the implementation of lawful governmental objectives. The purpose of the moratorium was to halt activities under permits whose legality had become the subject of serious governmental concern. By failing to timely communicate the suspension, by authorizing exceptions not sanctioned by the Board, and by permitting the continued shipment of logs notwithstanding suspension directives, the co-appellants materially frustrated the implementation of governmental policy and impaired the administration of law. Indeed, the testimony of James Dorbor Jallah established that the actions of the

appellants were not passive omissions but affirmative conduct that undermined execution of directives issued by competent governmental authority. The witness testified that the appellants' conduct facilitated continued operations under permits whose legality had become the subject of governmental concern and thereby frustrated the purpose for which the moratorium had been imposed.

This Court has long recognized that public office is a public trust and that public officials are obligated to discharge their duties faithfully and in strict conformity with law. Public officers are entrusted with authority for the benefit of the Republic and not for the advancement of personal judgment contrary to lawful directives. Where a public officer knowingly employs the authority of his office in a manner that defeats the very governmental objectives that he is duty-bound to implement, such conduct constitutes a breach of official duty within the contemplation of Section 12.3 of the Penal Law.

Nor are we persuaded by the co-appellants' contention that subsequent legal challenges to the moratorium excused their conduct. Even assuming arguendo that questions later arose regarding the legality of the moratorium, the issue before this Court is whether the co-appellants complied with the directives governing their official duties at the time those directives were in force. Public officials are not vested with authority to disregard directives they are charged with implementing simply because they personally question their legality.

This Court emphasizes that neither the Board of Directors of the Forestry Development Authority nor the President of the Republic of Liberia delegated to the appellants authority to determine whether the suspension should be implemented. Their duty was to execute the directives lawfully issued by competent authority. The testimony presented at trial established that instead of carrying out that duty, the appellants undertook actions inconsistent with the directives they were obligated to enforce.

We have likewise carefully considered the testimony presented by the appellants in defense of the charge of Obstruction of Government Function by Public Servants. Co-appellant Moses Wogbeh testified that following the issuance of the Presidential moratorium, the Forestry Development Authority communicated the suspension to its regional offices, permit holders, and relevant stakeholders. He further testified that any subsequent authorization relating to shipments was undertaken pursuant to

his understanding of a mandate issued by a then Chambers Justice of this Court, which, according to him, restored the parties to the status existing prior to the moratorium. The witness maintained that communications transmitted to SGS concerning shipment of logs already positioned at the Port of Buchanan were intended to comply with the Court's mandate and not to frustrate governmental policy.

Co-appellant Jangar Kamara likewise denied any intent to obstruct governmental functions. He testified that his communications with SGS were undertaken in the ordinary course of his duties and were based upon directives received from senior management of the Forestry Development Authority. He further maintained that his actions were administrative in nature and were not intended to undermine either the Board's directives or the Executive's subsequent instructions.

The Court also considered the testimony of defense witness Nyanquoi Dolo, Research Officer of the Forestry Development Authority, who testified that after reviewing FDA records he did not locate any final approved Board Resolution or officially approved minutes memorializing the alleged moratorium. The appellants relied heavily upon this testimony to argue that the prosecution failed to establish the existence of a valid moratorium capable of supporting criminal liability.

Additionally, the appellants contended that the moratorium was subsequently challenged and declared unlawful and therefore could not serve as the basis for a criminal conviction. They argued that actions undertaken after issuance of the Chambers Justice's mandate were performed in reliance upon judicial authority and not in deliberate disregard of governmental directives.

While this Court has carefully considered these explanations, we do not find them sufficient to overcome the substantial evidence presented by the prosecution. The issue before this Court is not whether the appellants personally believed their conduct was justified, but whether the evidence established that they knowingly breached official duties in a manner that impaired the implementation of governmental directives. The trial court, sitting as the trier of fact, was entitled to assess the credibility of the witnesses, weigh the competing explanations, and determine which version of events was more worthy of belief.

It is well settled that where evidence is conflicting, the assessment of credibility and the weight to be accorded testimony are matters committed primarily to the trier of fact. An appellate court will not substitute its judgment for that of the trial court where the record contains competent evidence supporting the findings made. *Amos Klah v. Tahiru Keingo, Supreme Court Opinion, October Term A.D. 2023*. Having reviewed the entire record, this Court finds no basis to disturb the trial court's determination that the prosecution's evidence was more credible and persuasive than the explanations offered by the defense.

The evidence adduced at trial established that co-appellants Moses Wogbeh and Jangar Kamara possessed knowledge of the suspension directives, were charged with responsibility for implementing those directives, and engaged in conduct that delayed, impaired, and frustrated their execution. The trial court, sitting as the trier of fact, was therefore justified in concluding that the essential elements of the offense had been proven beyond a reasonable doubt. This Court is not inclined to disturb findings that are fully supported by the evidence contained in the records before us.

Accordingly, we hold that the appellee proved every material element of the offense of Obstruction of Government Function by Public Servants beyond a reasonable doubt. Therefore, this Court finds no reversible error in the conviction of co-appellants Moses Wogbeh and Jangar Kamara for the crime of Obstruction of Government Function by Public Servants, and their convictions are hereby affirmed.

As to the third issue of whether or not co-appellants David Blayee and Maxwell Gwee were properly convicted of the crime of Obtaining and Issuing Deceptive Writings, this Court also answers in the affirmative.

The co-appellants David Blayee and Maxwell Gwee contended that the prosecution failed to establish the essential elements of the offense of Obtaining and Issuing Deceptive Writings. They argued that the evidence adduced at trial failed to prove that they knowingly issued false writings or that they acted with the requisite intent to deceive or harm the Government of Liberia. The co-appellants further submitted that the certificates of correction, validation reports, and authentication documents introduced into evidence were either issued pursuant to established administrative practices or were prepared in good faith reliance upon information available to them at the time. They therefore maintained that the trial court erred in adjudging them guilty of the offense.

The appellee, on the other hand, argued that the evidence demonstrated a deliberate pattern of conduct through which both co-appellants knowingly issued writings without lawful authority and authenticated documents containing obvious and material defects. The appellee maintained that these writings formed an integral component of the unlawful scheme by which Private Use Permits were issued in violation of the National Forestry Reform Law of 2006 and the Community Rights Law with Respect to Forest Lands.

The offense of Obtaining and Issuing Deceptive Writings is governed by Sections 15.70 and 15.72 of the Penal Law. Section 15.72(1)(b) provides that "a person commits an offense if, with the purpose of deceiving or harming the Government or another person, or with knowledge that he facilitated such a deception or harm by another person, he knowingly issues a writing without authority to issue it or knowingly utters a writing which has been procured by deception or has been issued without authority." Similarly, Section 15.70 prohibits the making, alteration, completion, issuance, or utterance of writings for purposes of deception or harm. The gravamen of the offense, therefore, is not merely the preparation or issuance of a document. Criminal liability attaches where a person knowingly issues, authenticates, validates, alters, or circulates a writing without lawful authority or with knowledge that such writing facilitates deception, fraud, or harm to the Government or another person.

The records before this Court reveal substantial evidence concerning the conduct of co-appellant David Blayee. The evidence established that while serving as County Surveyor for Grand Bassa County, he issued certificates of correction affecting deeds that were subsequently utilized in support of applications for Private Use Permits. The prosecution established that, in one instance, a deed describing approximately 1,200 acres was altered through a certificate of correction to reflect 13,743.74 acres. Similar alterations involving substantial increases in acreage were reflected in other certificates admitted into evidence.

These alterations cannot reasonably be characterized as mere clerical corrections or insignificant administrative adjustments. Rather, they involved increases of thousands of acres and materially altered the land areas upon which permit applications were based. The Court has carefully considered the co-appellants' contention that some corrections were undertaken pursuant to administrative practice or judicial directives. However, the issue before this Court is not whether

corrections may lawfully be made under appropriate circumstances. The controlling inquiry is whether co-appellant David Blayee possessed lawful authority to unilaterally issue certificates that substantially enlarged deeded land areas and whether those documents were subsequently utilized to facilitate permit approvals.

The evidence adduced at trial demonstrated that the certificates of correction became part of the documentation relied upon during the permit approval process. The trial court found, and the record fully supports the finding, that co-appellant David Blayee lacked authority to alter property descriptions and acreage in the manner reflected by the documents admitted into evidence. This Court agrees with the trial court that a county surveyor cannot lawfully create ownership interests, expand deeded acreage, or materially alter vested property rights through administrative certification. Such authority resides only in legally recognized procedures established by law. Consequently, any document purporting to accomplish such objectives without lawful authorization constitutes a deceptive writing within the contemplation of Sections 15.70 and 15.72 of the Penal Law. The evidence therefore supports the conclusion that co-appellant David Blayee knowingly issued writings without lawful authority and that those writings facilitated the issuance of permits over land areas substantially larger than those supported by the underlying deeds.

The evidence concerning co-appellant Maxwell Gwee is equally compelling. The records establish that he served as Director of Cartography at the then Ministry of Lands, Mines and Energy, now Ministry of Mines and Energy, and participated in the authentication and validation of deeds submitted in support of permit applications. The prosecution introduced evidence demonstrating that co-appellant Maxwell Gwee validated multiple deeds containing obvious and material defects apparent on the face of the documents.

Among the most striking examples was an Aborigines Grant Deed purportedly signed by President William V. S. Tubman on July 12, 1952, but probated on February 10, 1951, approximately seventeen months before its alleged execution. Another deed validated by co-appellant Maxwell Gwee was purportedly signed in October 1951 but probated in March 1951, several months before execution. Yet another deed reflected probate more than two years before the date of execution. These discrepancies are impossible to reconcile with ordinary standards of professional diligence. No reasonable surveyor, cartographer, land administrator, or

document examiner exercising even minimal care could fail to recognize that a deed cannot lawfully be probated before it comes into existence.

Walter Y. Wisner, Vice Chairman of the Land Commission and Commissioner for Land Administration, testified concerning the examination of deeds submitted in support of permit applications. According to the witness, the Commission discovered numerous defects, including probate irregularities, incomplete documentation, signature discrepancies, and inconsistencies concerning dates of execution. The Court finds that this testimony substantially corroborates the prosecution's contention that the documents relied upon in the permitting process contained obvious and material defects.

The co-appellants urged this Court to view these defects as mere administrative oversights. We decline to do so. The frequency, nature, and significance of the discrepancies reveal far more than simple negligence. The documents contained impossibilities that struck at the very authenticity of the instruments themselves. Yet, notwithstanding these obvious defects, co-appellant Maxwell Gwee validated and authenticated the deeds for use in the permit approval process. Particularly troubling is the evidence establishing that co-appellant Maxwell Gwee authenticated a deed purporting to grant land to an entity identified as "Kolahun Chiefdom," notwithstanding evidence that no such political subdivision existed. This defect was likewise apparent on the face of the document and should have resulted in its rejection rather than validation.

The evidence further established that co-appellant Maxwell Gwee executed validations while purporting to act in an official capacity not lawfully conferred upon him. The trial court was entitled to consider this evidence in assessing both authority and intent. This Court has recognized that criminal intent is rarely established through direct evidence because it ordinarily resides within the mind of the accused. Consequently, intent may be inferred from the surrounding facts and circumstances. Where the conduct of an accused repeatedly demonstrates disregard of obvious legal defects and where such conduct facilitates unlawful governmental action, intent may properly be inferred from the totality of the evidence. *Saar v RL [1981] LRSC 3; 29 LLR 35 (1981) (29 July 1981); Sneh v RL [1988] LRSC 44; 35 LLR 136 (1988) (29 July 1988).*

The writings issued and authenticated by co-appellants David Blayee and Maxwell Gwee were not isolated documents lacking legal consequence. Rather, they became foundational components of the permit approval process. The evidence established that the Forestry Development Authority relied upon these writings in evaluating applications and issuing Private Use Permits. Consequently, the deceptive writings did not merely exist in the abstract; they directly facilitated the issuance of permits later determined to be inconsistent with the National Forestry Reform Law of 2006 and the Community Rights Law with Respect to Forest Lands.

The co-appellants argued that the prosecution failed to prove actual fraud. This argument misconstrues the statute. Section 15.72 of the Penal Law does not require proof that a completed fraud ultimately occurred or that the Government actually suffered a completed loss as a result of the deceptive writing. It is sufficient that the accused knowingly issued writings without authority or with knowledge that such writings facilitated deception or harm. The statute criminalizes the issuance and use of deceptive writings themselves because of their capacity to mislead governmental institutions and facilitate unlawful conduct. The appellee established precisely that.

This Court has held that allegations alone are insufficient and that fraud, deception, or wrongdoing must be established by competent evidence. *Philip Glago et al. v. Michael N. Wisseh, Supreme Court Opinion, March Term, A.D. 2025; Mano Insurance Corporation v. Picasso Cafeteria*, 35 LLR 475 (1988). Having carefully reviewed the records certified to this Court, we are satisfied that the appellee met that burden. The evidence established beyond a reasonable doubt that co-appellant David Blayee knowingly issued certificates of correction without lawful authority and that co-appellant Maxwell Gwee knowingly authenticated and validated writings containing obvious and material defects. The evidence further established that those writings materially facilitated the issuance of Private Use Permits contrary to law and thereby exposed the Government and people of Liberia to substantial harm.

Accordingly, we hold that the appellee proved every material element of the offense of Obtaining and Issuing Deceptive Writings beyond a reasonable doubt. Therefore, this Court finds no reversible error in the trial court's determination that co-appellants David Blayee and Maxwell Gwee were guilty of Obtaining and Issuing Deceptive Writings, and their convictions are hereby affirmed.

We will now address the fourth issue of whether or not the appellee proved the indictment substantially as laid. To this, we also answer in the affirmative.

The co-appellants contended that the appellee failed to prove the material allegations contained in the indictment and therefore failed to satisfy the requirements of criminal law and procedure. Relying upon the decisions of this Court in *James Saar v. Republic of Liberia* and *Augustus Sneh v. Republic of Liberia*, the co-appellants argued that the doctrine of allegata et probata requires that the facts alleged in an indictment must correspond with the facts proven at trial and that any material variance between the allegations and the evidence is fatal to a conviction. The co-appellants further contended that the appellee failed to establish several material allegations relating to ownership of lands, the extent of acreage covered by the permits, the existence of fraud, the legality of deed corrections, the existence of a valid moratorium, and the calculation of losses allegedly sustained by the Government of Liberia. They submitted that because these allegations were not proven exactly as charged, the trial court should have entered a verdict of acquittal.

The appellee, on the other hand, argued that the prosecution produced overwhelming testimonial, documentary, and expert evidence supporting each essential allegation contained in the indictment. The appellee maintained that the evidence established the material facts underlying the offenses charged and that any variances identified by the co-appellants concerned matters collateral to the essential elements of the crimes for which they were convicted.

The law controlling this issue is well settled. In criminal prosecutions, the Republic bears the burden of proving every essential element of the offense charged beyond a reasonable doubt. Equally settled is the doctrine of *allegata et probata*, which requires that the material allegations contained in an indictment substantially correspond with the evidence adduced at trial. See *James Saar v. Republic of Liberia* and *Augustus Sneh v. Republic of Liberia*. The purpose of the doctrine is to ensure that an accused is adequately informed of the charges against him and is not convicted of an offense materially different from that alleged in the indictment. It does not require that every descriptive averment, subsidiary fact, date, figure, or circumstance alleged in the indictment be proved with absolute precision. The standard is, proving a case beyond a reasonable doubt.

Indeed, this Court has consistently held that a variance between allegation and proof becomes material only where it misleads the accused in the preparation of his defense or exposes him to subsequent prosecution for the same offense. The controlling inquiry, therefore, is whether the appellee proved the material and essential allegations underlying the offenses charged and whether the co-appellants were afforded fair notice of the accusations against them.

After a careful review of the indictment and the evidence adduced at trial, we are fully satisfied that the appellee substantially proved the charges as laid. The indictment alleged that the co-appellants knowingly facilitated the issuance of sixty-one (61) Private Use Permits covering approximately 2.5 million hectares of forest lands in violation of the National Forestry Reform Law of 2006 and the Community Rights Law with Respect to Forest Lands. The evidence introduced at trial established the existence of those permits, the process through which they were issued, the officials who participated in their approval, and the statutory deficiencies associated with the permitting process.

The indictment further alleged that numerous permits were issued over community forest lands protected under the Community Rights Law with Respect to Forest Lands. In support of this allegation, the appellee presented testimony from community representatives, Forestry Development Authority officials, investigators, and documentary records establishing that substantial portions of the lands affected by the permits fell within areas protected by law. The trial court was entitled to credit this evidence.

The indictment also alleged that permits were issued without compliance with mandatory environmental safeguards required by Section 5.6 of the National Forestry Reform Law of 2006. Testimony from FDA officials and documentary evidence introduced during trial supported this allegation and established the absence of required environmental assessments and related approvals.

Additionally, the indictment alleged that permit applications were supported by deeds containing acreage discrepancies, unauthorized corrections, and defective validations. The appellee introduced into evidence the deeds themselves, certificates of correction, validation reports, maps, and testimony explaining the significance of those documents. The evidence established that substantial discrepancies existed and that those discrepancies were relied upon during the permit approval process.

The indictment further alleged that directives relating to the suspension of permit activities were obstructed and frustrated by certain co-appellants. Testimony and documentary communications introduced during trial supported those allegations and established the actions taken by the officials charged with implementing the suspension.

Significantly, the prosecution presented thirteen witnesses drawn from various governmental institutions, affected communities, and independent bodies. Harrison Karnwea testified regarding the legal framework governing forestry permits and the distinction between Private Use Permits and Community Forest Management Agreements. James Dorbor Jallah testified concerning the investigative findings and the resulting financial loss to Government. Thomas Doe-Nah testified concerning the absence of community consultation and the deficiencies observed during field investigations. Walter Wisner testified concerning defects in the deeds supporting permit applications. Hilary Quetoh and other community representatives testified concerning the absence of consent and participation by affected communities. Cllr. Necular Edwards testified concerning communications transmitted during the moratorium period. Their testimony was corroborated by extensive documentary evidence, including deeds, permit applications, validation reports, certificates of correction, correspondence, maps, and investigative findings. Collectively, this evidence substantially established the material allegations contained in the indictment.

The co-appellants repeatedly characterize the evidence as insufficient because, in their view, the appellee failed to prove every allegation precisely as worded in the indictment. Such an interpretation imposes a burden greater than that required by law. Criminal convictions are sustained when the essential elements of the offense are established beyond a reasonable doubt. The law does not require mathematical precision or perfect correspondence with every descriptive allegation contained in an indictment. To hold otherwise would elevate form over substance and frustrate the administration of justice.

The records before us reveal no prejudice whatsoever arising from any alleged variance. The co-appellants were fully informed of the charges against them. They were represented by counsel throughout the proceedings. They vigorously contested the allegations through cross-examination, documentary evidence, and the testimony of nine (9) defense witnesses. The record clearly demonstrates that they understood

the nature of the accusations against them and mounted a comprehensive defense thereto. Consequently, they cannot credibly claim that any alleged variance impaired their ability to prepare or present their defense.

This Court must also address the co-appellants' argument that the trial judge improperly calculated the losses sustained by the Government and thereby substituted his own theory for that of the prosecution. While this Court agrees that a trial judge may not assume the role of prosecutor, the records reveal that the convictions themselves did not depend exclusively upon the exact amount of loss calculated by the trial court. The essential issue before the trial court was whether the co-appellants knowingly engaged in conduct constituting the offenses charged. The evidence established unlawful issuance of permits, unauthorized certifications, improper validations, deceptive writings, and obstruction of governmental functions. These facts formed the foundation of the convictions.

Even assuming arguendo that the trial court employed a methodology different from that advanced by the appellee in calculating the precise amount of loss, such difference would not negate the substantial evidence supporting the underlying convictions. The existence of criminal conduct did not depend exclusively upon proof of a particular numerical calculation. Rather, the evidence demonstrated the unlawful conduct itself, which constituted the gravamen of the offenses charged.

The co-appellants further argued that the prosecution failed to establish direct evidence of conspiracy, fraud, or collusion. This argument is likewise without merit. Conspiracy and fraudulent intent are seldom established through direct admissions. More often, they are proven through circumstantial evidence, coordinated conduct, surrounding circumstances, and the natural consequences of the acts committed. The law recognizes that persons engaged in unlawful schemes rarely reduce their intentions to writing or openly proclaim their objectives. To prove conspiracy therefore requires the prosecution to establish that defendants engaged in unlawful conduct since conspiracy is a preparatory crime.

The records before us reveal a pattern of interconnected conduct involving unlawful permit approvals, unauthorized deed alterations, defective validations, deceptive writings, disregard of statutory requirements, and actions facilitating continued logging activities notwithstanding governmental directives. The trial court was

entitled to consider these circumstances collectively in determining whether the offenses charged had been established.

This Court has repeatedly held that proof beyond a reasonable doubt does not mean proof beyond every conceivable doubt or proof to an absolute certainty. As stated by this Court in *R.L. v. Eid et al., 37 LLR 761 (1995),* and reaffirmed in numerous decisions thereafter, the prosecution satisfies its burden when it establishes such a state of facts as would convince an unprejudiced and rational mind of the guilt of the accused after careful consideration of all the evidence. Having reviewed the entire record certified to this Court, we find that the appellee established the material allegations of the indictment through competent evidence and proved the essential elements of the offenses charged beyond a reasonable doubt.

Therefore, this Court finds no reversible error in the trial court's determination that the appellee proved the indictment substantially as laid.

As to the fifth issue of whether or not the trial court committed reversible error by admitting and considering the findings and report of the Special Independent Investigative Body (SIIB), this Court answers in the negative.

The appellants vigorously contended that the SIIB Report constituted the foundation of the appellee's case and that the trial court committed reversible error by admitting and considering the report. They argued that the SIIB was not a criminal investigative body and lacked statutory authority to conduct criminal investigations. The appellants further contended that statements obtained during the investigation were secured under circumstances which violated Article 21(c) of the Constitution of Liberia because they were not informed that the investigation could result in criminal prosecution, were not advised of their right to counsel, and were not informed of their right against self-incrimination. They maintained that the report was unsigned, unreliable, illegally obtained, and inadmissible. Consequently, they submitted that once the SIIB Report is excluded from consideration, the remaining evidence is insufficient to sustain the convictions entered against them.

The appellee, on the other hand, argued that the SIIB investigation was established for the purpose of examining serious irregularities surrounding the issuance of Private Use Permits and that its findings merely triggered further governmental action. The appellee maintained that the convictions were not based exclusively

upon the report but upon extensive independent evidence introduced during trial, including witness testimony, official correspondence, deeds, permit records, validation reports, certificates of correction, Forestry Development Authority records, SGS communications, and numerous other documentary exhibits. The appellee therefore contended that even in the absence of the SIIB Report, the evidence adduced at trial was more than sufficient to sustain the convictions.

The threshold inquiry before this Court is whether the admission and consideration of the SIIB Report constituted reversible error. The law is settled that not every evidentiary error warrants reversal of a criminal conviction. This Court has consistently held that reversal is warranted only where the alleged error materially affects the substantial rights of the accused or contributes to the conviction in such a manner that confidence in the verdict is undermined. *Williams v. Williams*, *14 LLR 109 (1960); Reynolds International Export, Inc. v. United Africa Company Ltd., 30 LLR 143 (1982); Sibley v. Bility, 33 LLR 548 (1985)*; and *Sandolo v. Liberia Anti-Corruption Commission*, *Supreme Court Opinion, March Term, A.D. 2007*. Accordingly, even where questions arise concerning the admissibility of particular evidence, an appellate court must examine the entire record to determine whether independent and competent evidence exists sufficient to sustain the judgment.

Our review of the records certified to this Court reveals that the appellee presented thirteen (13) witnesses during trial. These witnesses included officials of the Forestry Development Authority, representatives of SGS, community representatives, land administration officials, investigators, and other individuals possessing firsthand knowledge of the transactions and events that formed the basis of the indictment. In addition to witness testimony, the appellee introduced numerous documentary exhibits including deeds, permit applications, certificates of correction, validation reports, official communications, maps, correspondence, forestry records, and evidence relating to permit approvals and logging activities. The record therefore demonstrates that the prosecution's case extended far beyond the SIIB Report itself. This Court further observes that investigative reports generally do not constitute findings of guilt, judicial determinations, or criminal convictions. Their purpose is to gather information, identify issues requiring further inquiry, and provide recommendations to appropriate authorities. Whether or not an investigative body ultimately possesses authority to determine criminal liability is immaterial because

the authority to adjudicate criminal responsibility remains exclusively vested in courts of competent jurisdiction.

The appellants argued that the SIIB lacked authority to conduct criminal investigations. Even assuming arguendo that portions of the SIIB Report were subject to challenge, the material findings contained therein were independently established through live testimony before the trial court. James Dorbor Jallah testified concerning the investigative methodology employed by the SIIB, including document review, field verification, community consultations, and interviews with public officials. Thomas Doe-Nah independently testified concerning the findings arising from field investigations in affected communities. Walter Wisner separately testified concerning defects in the deeds and supporting land documentation. Consequently, the critical factual findings relied upon by the trial court were not dependent upon the report alone but were independently established through sworn testimony and documentary evidence. Coupled with the requirement of cross-examination to impeach the credibility of the witnesses or the report.

The Court now turns to the constitutional arguments raised by the appellants. Article 21(c) of the 1986 Constitution of the Republic of Liberia protects individuals from being compelled to furnish evidence against themselves and guarantees important procedural safeguards in criminal proceedings. In *Monie et al v. RL, 34 LLR 502 (1988),* this Court held that statements extracted from an accused without compliance with the constitutional requirements "should not have been used against them," and that it was reversible error for the trial court to admit such evidence. On the contrary, this Court has also reaffirmed in *Swen v. Republic of Liberia, 40 LLR 138 (2000)* that only voluntary confessions obtained in conformity with the constitutional and statutory rights of the accused are admissible in evidence. In this case, the appellants have failed to demonstrate that their convictions were predicated upon involuntary confessions or constitutionally defective statements introduced against them as substantive evidence of guilt. The records do not establish that the trial court relied exclusively upon any particular statement allegedly obtained during the SIIB investigation. Rather, the trial court relied upon the totality of the evidence presented during trial.

More importantly, the appellants voluntarily testified and presented extensive evidence in their own defense. They were afforded every opportunity to challenge the investigation, contest the allegations, cross-examine prosecution witnesses, and

rebut every aspect of the appellee's case. The record therefore reflects that the appellants received the full benefit of the adversarial process and were not deprived of any constitutionally protected opportunity to challenge the evidence introduced against them.

The Court further notes that many of the critical facts supporting the convictions were established through documentary evidence whose authenticity and existence were not dependent upon statements allegedly obtained during the SIIB investigation. The permits, deeds, validation documents, certificates of correction, official correspondence, maps, FDA records, SGS communications, and other documentary exhibits existed independently of the investigative process itself. These documents formed a substantial portion of the evidentiary basis upon which the trial court reached its conclusions.

The appellants also emphasized that the SIIB Report was unsigned. While the absence of signatures may affect the evidentiary weight to be accorded a document, it does not automatically invalidate every factual matter subsequently established through competent and independent proof. The proper inquiry is not whether every aspect of the report was flawless, but whether the trial court relied solely upon the report or whether the findings of guilt were supported by substantial evidence independent of the report.

After a careful examination of the records, we are satisfied that the convictions did not rest solely, or even principally, upon the SIIB Report. Rather, the report functioned as one component within a much larger body of evidence presented during trial. The testimony of the witnesses and the documentary exhibits admitted into evidence independently established the factual basis for the offenses charged.

The evidence, independent of the SIIB Report, established among other things, the issuance of sixty-one (61) Private Use Permits; the issuance of permits over community forest lands protected by law; the absence of compliance with mandatory statutory prerequisites; the issuance of unauthorized certificates of correction; the authentication and validation of deeds containing obvious and material defects; the failure to properly implement governmental directives concerning suspension of permit activities; and the resulting exposure of Government and community interests to substantial harm. These facts were established through testimony and documentary evidence apart from the challenged report.

This Court has long adhered to the principle that a judgment supported by substantial competent evidence will not be disturbed merely because some evidence was improperly admitted where it affirmatively appears that the result would have been the same in the absence of the challenged evidence. *Williams v. Williams, 14 LLR 109 (1960)*; *Reynolds International Export, Inc. v. United Africa Company Ltd., 30 LLR 143 (1982)*; *Sibley v. Bility, 33 LLR 548 (1985)*. Applying that principle to the records before us, we are satisfied that even if portions of the SIIB Report were improperly admitted or assigned greater evidentiary weight than warranted, any such error was harmless beyond a reasonable doubt because the remaining evidence independently established the essential elements of the offenses charged.

Having carefully reviewed the entire record, this Court finds that the appellants have failed to demonstrate prejudice affecting their substantial rights. The convictions entered by the trial court were supported by substantial independent evidence wholly apart from the SIIB Report. Accordingly, the appellants' constitutional and evidentiary objections do not warrant reversal of the convictions.

Therefore, this Court finds no reversible error in the trial court's admission and consideration of the SIIB investigation and its findings, and the appellants' contention to the contrary is without merit.

As to the sixth and final issue relating to the sentence imposed by the trial court, this Court observes that although the convictions are supported by the evidence and applicable law, the sentence imposed cannot be affirmed in its entirety. It is settled that while the trial court possesses discretion in sentencing, such discretion must be exercised within the confines of the applicable statute and upon facts established by the evidence. This Court likewise possesses the authority, where justice so requires, to modify the judgment of the trial court so as to make it conform to law and the evidence of record. *Saah James v. RL, Supreme Court Opinion, March Term, A.D. 2023*; *Ware v RL [2012] LRSC 10 (6 July 2012).*

The records reveal that the prosecution established that the appellants unlawfully facilitated the issuance of sixty-one (61) Private Use Permits in violation of the National Forestry Reform Law. However, the prosecution did not establish that the appellants personally stole, converted, misappropriated, or unlawfully appropriated Six Million United States Dollars (US$6,000,000.00) belonging to the Government of Liberia. Rather, the amount relied upon by the trial court represented projected

land rental revenue calculated from the permits issued and not money shown by the evidence to have been unlawfully taken or converted by the appellants. The distinction is significant because Section 15.87 of the Penal Law predicates restitution upon "the amount stolen." Consequently, the restitution ordered by the trial court cannot be sustained on the evidence contained in this record.

This Court has consistently held that criminal punishment must rest upon competent proof and the governing statute. While the unlawful conduct established in this case warrants criminal sanctions, the punishment must correspond to the offense actually proved and not to speculative or projected governmental losses unsupported by evidence of theft or unlawful conversion.

Having carefully reviewed the records certified to this Court, we conclude that the restitution order imposed by the trial court were not supported by the evidence presented during trial by the prosecution. However, the records established that appellants Moses Wogbeh and Jangar Kamara knowingly breached official duties by failing to properly implement and enforce directives issued by competent governmental authority concerning the suspension of Private Use Permit activities, thereby impairing and frustrating the lawful administration of governmental functions within the meaning of Section 12.3 of the Penal Law. The records further established that appellant David Blayee knowingly issued certificates of correction without lawful authority and that appellant Maxwell Gwee knowingly authenticated and validated writings containing obvious and material defects. Those writings materially facilitated the unlawful permit approval process and contributed to the issuance of permits contrary to law.

Accordingly, in the exercise of this Court's appellate authority to modify judgments in the interest of justice and to conform them to law, the sentence imposed by the court below is modified.

We now hold that all of the appellants to include, Moses Wogbeh, John Kantor, Jangar Kamara, David Blayee, and Maxwell Gwee are found guilty of Economic Sabotage, violating Chapter 15, Subchapter F, Section 15.80(a)(b)(c)(e) of the New Penal Law of Liberia, Title 26 of Liberian Codes of Laws Revised, and Section 18.9 (b)(c) of the National Forestry Reform Laws of 2006, and that they are mandated to pay a fine of Ten Thousand United States Dollars (US$10,000.00) consistent with Section 15.87 of the Penal Law. Additionally, co-appellants Moses Wogbeh and

Jangar Kamara having been found in violation of Chapter 12, Subchapter A, Section 12.3 (Obstruction of government function by public servant) of the New Penal Law of Liberia, Title 26 of Liberian Codes of Laws Revised, and same being a misdemeanor of the first degree under our law, they are hereby sentenced to a definite term of imprisonment for a period of one (1) year. We also hold that co-appellants David Blayee and Maxwell Gwee having been found in violation of Chapter 15, Subchapter E, Section 15.72 (Obtaining or issuing deceptive writing) of the New Penal Law of Liberia, Title 26 of Liberian Codes of Laws Revised, and same being a misdemeanor of the first degree under our law, they are also sentenced to a definite term of imprisonment for a period of one (1) year.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the final ruling of the First Judicial Circuit, Criminal Assizes "C", is affirmed with modification as stated above. The Clerk of this Court is hereby ordered to send a Mandate to the court below, commanding it to resume jurisdiction and give effect to the Judgment of this Opinion. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLORS ALBERT S. SIMS OF JUSTICE ADVOCATES & PARTNERS, INC. AND JOHN SAAH NYUMAH APPEARED FOR THE APPELLANTS. COUNSELLORS AUGUSTINE C. FAYIAH, SOLICITOR GENERAL, JERRY D. K. GARLAWOLU, ASSISTANT MINISTER OF L ITIGATION, AND RICHARD J. SCOTT, COUNTY ATTORNEY OF MONTSERRADO COUNTY, ALL OF THE MINISTRY OF JUSTICE APPEARED FOR THE APPELLEE.