

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: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Prince Desmond Norman of the City of Monrovia, Liberia)
.....Appellant)
)
Versus) APPEAL
)
Republic of Liberia.....Appellee)
)
)
GROWING OUT OF THE CASE:)
)
Republic of Liberia.....Plaintiff)
)
Versus) CRIME: CRIMINAL
) ATTEMPT TO COMMIT
Prince Desmond Norman of the City of Monrovia, Liberia) MURDER
.....Defendant)

Heard: June 22, 2026

Decided: August 27, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

On June 18, 2013, the grand jurors for Montserrado County presented an indictment against Prince Desmond Norman, charging him for the crime of criminal attempt to commit murder. The indictment reads as follows:

INDICTMENT

The Grand Jurors for Montserrado County, Republic of Liberia, upon their oath do hereby find, more probably than not, that the defendant, Prince Desmond Norman to be identified, committed the crime of Criminal Attempt to Commit Murder, a felony of the second degree, to wit:

1. That on the 4th day of the month of May, A.D. 2013, in the S.K.D. Swankamore Community, Paynesville, Montserrado County, Republic of Liberia, defendant Prince Desmond Norman, with criminal mind and intent to destroy another human being's life, purposely, knowingly, willfully, intentionally, recklessly and criminally committed the crime of criminal attempt to commit murder against the Private Prosecutor, to wit:

2. That the Private prosecutor and two ladies, Mabel and Kimah were walking home from the night club in their community.
3. That defendant Prince Desmond Norman having for a period of time accused victim Prince Kruah of loving to his girlfriend, on the night mentioned above, broke a stout bottle, followed the victim, and stabbed him on his face, back, hand, neck, shoulder and diverse parts of the victim's body with the sole intent of having the victim murdered.
4. That the victim sustained severe wounds all over his body, bled profusely, and is receiving medical treatment at the local hospital. That it was by-passers who saved victim Prince Kruah from being murdered by defendant Prince Desmond Norman.
5. That the defendant has no affirmative defense.
6. A person engages in conduct purposely if when he engages in the conduct, it is his conscious objective to engage in conduct of that nature or to cause the result of that conduct.
7. A person engages in the conduct knowingly, if when he engages in the conduct he knows or has a firm: belief unaccompanied by a substantial doubt that he is doing so, whether or not it is his purposely to do so.
8. Bodily injury means physical pain, illness or impairment of physical function.
9. That the act of the defendant is contrary to: 4LCLR, Title 26, Section 1.20 (b) 4LCLR, Title 26, Section 2.2 (c) and (b) and 4LCLR, Title 26, Section.1.7 (c)and (d) of the Statutory Laws of the Republic of Liberia; and the peace and dignity of the Republic of Liberia.

On arraignment, the defendant pleaded not guilty to the crime charged in the indictment, thereby joining issue with the state. A trial jury was duly selected, sworn and empaneled to try the case.

During trial, the state presented six general witnesses, and two rebuttal witness to establish the charges brought against the defendant.

The State's First Witness, the Private Prosecutor, Prince Kruah testified that on the 4th Day of May 2013, around 7 p.m., he (Private Prosecutor), Mabel Kamara and Ruth Kimba Keyan were returning home from Dumboy Fair Program when rain forced them to stop at an entertainment center at S. K. D. Junction. When the rain subsided and they attempted to

leave, the appellant appeared and insisted Mabel could not leave because she was his friend (appellant) Ope's girlfriend. Private Prosecutor called Ope, who instructed him to take Mabel home, but the appellant, however, resisted and the Private Prosecutor eventually left with Kimba, informing Ope to come for Mabel. While on their way home, they met Ope who was going for Mabel. Before reaching the intersection, they encountered the appellant beating Mabel, who had lost consciousness. Ope and Private Prosecutor questioned the appellant and Ope asked appellant to leave while they revived Mabel with water. The witness testified that while his back was facing the road, appellant came from his back and stabbed him with a stout bottle, and when he turned around, he was stabbed on his chest again by the appellant. The witness further testified that the bystanders came and arrested the situation, and he was immediately taken to ELWA Hospital where he received treatment for a week.

The State Second Witness, Mabel Kamara, took the stance and testified that the appellant dragged her, seized her phone, and beat her to the point of unconsciousness, after she regained consciousness, Ope and Prince took her home. While standing and discussing, Ope left to retrieve his key, and "that's how the appellant Prince Norman stabbed Private Prosecutor in the back and front".

The State third witness, Otis Suah who is a police officer testified that on May 5, 2013, he was informed that someone had been wounded in the Swankamore Community and was undergoing treatment at the ELWA Hospital. After attempting to interview the victim without success, the appellant was brought to the police station by his parents around 2 P.M.; that the appellant initially complained that a group of men had attacked him the night before. The witness further testified that he later returned to the hospital and interviewed the Private Prosecutor Prince Kruah, who provided an account of the incident. The witness corroborated the testimonies of the Private Prosecutor and witness Mabel regarding the events at the entertainment center and the subsequent stabbing. The witness also noted that "based on the physical wounds he saw on Prince Kruah's neck, head, ear, side, and back, the police was left with no option but to charge Prince Norman with Criminal Attempt to Commit Murder pending court trial."

The State fourth witness, Ruth Kimba Keyan testified and corroborated the testimonies of the Private Prosecutor and Mabel regarding the events at the entertainment center and the subsequent stabbing. She also testified that "Desmond came from the back and gashed Prince Kruah from his back and later the front." She stated that while they were fighting over

the bottle, she started yelling for people to come and help because she was pregnant and unable to part them. She ran into the house and informed her father.

The State fifth witness, Samuel Keyan testified that on the night of May 4, 2013, he was lying down when he heard his daughter Kimba knocking on his door, shouting, “Papa, come, Prince Norman is killing Prince Kruah”; that she met (Prince Norman) on top of Prince Kruah gashing him (Prince Kruah) with the bottle” He started yelling and calling for help. He observed that “the blood was shooting up” from the victim’s body. He grabbed the appellant’s hand, but the appellant pulled away and ran. The witness then arranged for the victim to be transported to ELWA Hospital.

The State Sixth Witness, Dr. J. Soka Moses testified that he is a medical doctor and General Practitioner at the ELWA Hospital. He testified that Private Prosecutor Prince Kruah visited the emergency room on the night of May 4, 2013, with the complaint of bleeding and pain from laceration wounds sustained during a fight. He detailed the treatment provided, including cleaning and suturing of wounds, tetanus vaccine, and pain medication. He noted that the patient was discharged but later returned indicating he was in much pain and was admitted for five (5) days before being discharged.

To counter the State witnesses’ testimonies, the defense produced four witnesses.

The defense first witness, Prince Desmond Norman (appellant) testified that on May 4, 2013, he left his home around 7 p.m. to check on his friend at the S. K. D. Junction and there he encountered Mabel who asked him to join her and explained problems between her and her boyfriend Ope; that while waiting for Ope, Kimba and Prince Kruah arrived and that an argument ensued, and eventually, he, Mabel, Ope, Prince Kruah, and Kimba left together; that while going home, he was surrounded by a group of boys who attacked him with sticks, rocks, and bottles. He managed to escape in a pool of blood and sought refuge at the nearby house and that he thereafter reported the matter to the Police.

The defense second witness, Stephen Togbah, testified that he saw the appellant running and coming with a group behind him, chasing him and that the appellant was in a pool of blood, with stabbing marks on his back and head cut; that he took the appellant to the bathroom and tried to stop the bleeding; he further testified that the appellant repeatedly said that “it is Ope’s business the people want to kill me.”

The defense third witness, Apostle Eugene Bettie testified that he had known the appellant since the 1970s and that the appellant has never been involved in any criminal activities; that

the appellant informed him that Prince Kruah (Private Prosecutor) and his friend jumped on him with a fight and injured him.

The defense fourth witness, Francis G. Kpolleh, testified that appellant was treated at the clinic under his direct supervision. He further testified that the appellant had a deep cut on his head and back with multiple bruises, was bleeding profusely and had to take stitches for the wounds.

The defense then rested with the production of oral and documentary evidence. Thereafter, the State brought two rebuttal witnesses.

The State's first rebuttal witness, Suah, who is an officer of the Liberia National Police testified and focused his rebuttal to the defense second witness' claim that appellant was arrested at the hospital. Officer Suah stated this was "false and misleading" and that appellant "was brought to the police station by his parents where he was acquainted with his rights and investigation started from there."

The State's second rebuttal witness, Abraham M. Kamara testified and focused his rebuttal to the defense Third Witness Apostle Eugene Bettie's testimony regarding Appellant's good character. He testified that on the 3rd of May 2013, the day before the incident, appellant had slapped him and threatened to kill him with a broken bottle after an argument.

When the parties rested with the production of evidence, the trial judge charged the jurors on the various points of law, and after deliberation, the jurors returned a unanimous verdict of guilty against the defendant/appellant.

After both parties rested with the production of oral and documentary evidence, the trial court entertained arguments pro et con, on December 6, 2013, after hearing the final arguments of both parties and receiving the court's charge, the petit jury returned a unanimous verdict of guilty against the appellant for the crime of Criminal Attempt to Commit Murder.

The appellant, thereafter, filed a Motion for New Trial, which was heard on December 23, 2013. The trial court, after considering the motion, ruled that "the verdict of the trial jury being in line with the facts adduced at the trial, especially so the testimony of the Private Prosecutor as well as the prosecution second witness, Mabel Kamara, having established the crime of Criminal Attempt to Commit Murder, the motion for new trial is hereby denied." The Court affirmed the verdict and sentenced Appellant to five (5) years imprisonment at the Monrovia, Central Prison, classifying the offense as second degree felony.

The Appellant excepted to the final judgment and announced an appeal to this Honorable Supreme Court, seeking a reversal of his conviction and subsequent sentencing. The appellant filed a nine (9) count bill of exceptions where he argued that the trial court committed multiple reversible errors warranting the setting aside of the conviction. He argues first that the indictment was fatally defective because “Criminal Attempt to Commit Murder” is not an offense recognized under the Penal Law of Liberia, thereby violating Chapter 16.7 of the Criminal Procedure Law. He further asserts that the entire trial was conducted in an irregular manner, including the court’s suspension of proceedings on November 15, 2013, despite the appearance of a subpoenaed medical witness whose testimony contradicted the prosecution’s theory of the case.

The appellant also challenges the court’s jury charge, claiming that the judge failed to instruct the jury on the defense theory of self-defense, specifically, that the defendant acted to protect himself from nine-armed assailants, and failed to incorporate the legal authorities cited in the defense memorandum. He maintains that the jury’s guilty verdict was contrary to the evidence presented and that the prosecution did not meet its burden of proof beyond a reasonable doubt.

Additionally, the appellant argues that the court erred in denying his motion for new trial, which highlighted substantial doubt arising from the prosecution’s failure of proof. He further contends that the judgment of conviction and five-year sentence were improper, and that the sentencing itself was unlawfully conducted in his absence, in violation of Section 2.4 of the Criminal Procedure Law.

The issue for our determination is whether the state proved beyond a reasonable doubt that the defendant/appellant committed the crimes of criminal attempt to commit murder as charged in the indictment.

We must review the state’s evidence against the defendant/appellant on the crime charged in the indictment to determine whether the state satisfactorily met the burden of proof beyond a reasonable doubt required under the circumstance.

But before proceeding to address this issue, we must first address the appellant’s contention that the indictment was fatally defective because “Criminal Attempt to Commit Murder” is not an offense recognized under the Penal Law of Liberia, thereby violating Chapter 16.7 of the Criminal Procedure Law.

We disagree with this contention of the appellant and we are at the same time appalled by this argument of the appellant's counsel because, if counsel had done just a little research, counsel would have discovered that this Court has already passed on this issue and that there is indeed an offense under our law recognized as "Criminal Attempt to Commit Murder".

It is clear that in an indictment for an attempt to commit a crime, it is essential to aver that the defendant did some act, which directed by a particular intent, to be averred, would have apparently resulted, in the ordinary and likely course of things, in a particular crime, and this Court says that while it is true that the offense of Criminal Attempt to Commit Murder is not provided for as a lone offense in our statute, however, it may be merged to form a single crime depending on the facts and circumstances, as Criminal attempt amongst other things is any conduct whether act, omission, or possession, that is strongly corroborative of the firmness of the actor's intent to complete the commission of an offense. Depending on the facts and circumstances, the intent or outcome of the person's conduct towards the commission of the crime determines the charge to be levied on a criminal defendant. *Gardea v RL*, Supreme Court Opinion, March Term 2014.

Moreover, Section 10 of the Penal Law of Liberia deals with inchoate offenses. Inchoate offense is a criminal act that is incomplete, meaning the offender has taken a punishable step toward committing a specific crime, even if the final crime never occurs. The law punishes these early steps because they demonstrate criminal intent and create real danger. moreover, Section 10.1 of the Penal Law of Liberia provides that: *"a person is guilty of criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he purposely engages in conduct constituting a substantial step toward a commission of the offense. A substantial step is any conduct, whether act, commission, or possession, which is strongly corroborative of the firmness of the actor's intent to complete the commission of the offense. Factual or legal impossibility of commission of the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be."*

The Penal Law of Liberia 10.1 (4) also provides that: *"Criminal attempt is an offense of the same class as the offense attempted except that (a) an attempt to commit a felony of the first degree shall be a felony of the second degree ..."*, so, considering that the Penal Law has designated murder to be a first-degree offense, it follows then that, pursuant to Section 10.1(4), criminal attempt to commit murder is a second-degree felony."

This having been settled, we now move to determine whether the state satisfactorily proved its case beyond a reasonable doubt against the appellant. The appellant has argued in its brief before this Court that the state did not prove its case beyond a reasonable doubt.

It is the law that a defendant charged with committing a criminal offense is presumed innocent until the contrary is proven. In case of a reasonable doubt, whether his guilt is satisfactorily shown, he is entitled to an acquittal. Criminal Procedure Law, Rev. Code. 2:2.1.

We now delve into the evidence both oral and documentary presented at trial to determine whether the State proved its case beyond a reasonable doubt against the appellant. The records establish that the occurrence of the injury was established by the Prosecution during the testimony of the Prosecution witness, Dr. J. Soka Moses who is a medical doctor, his testimony clearly established that the Private Prosecutor, Prince Kruah sustained serious bodily injuries on the night of May 4, 2013, as he (the witness) attended to the Private Prosecutor.

The Private Prosecutor, in his own testimony testified that he was stabbed with a broken bottle and was bleeding profusely. Dr. J. Soka Moses testified that the Private Prosecutor visited the emergency room with complaints about bleeding and pain from laceration wounds, and was admitted for five days. The medical report, although challenged by appellant, was admitted into evidence and corroborated the injuries sustained by the Private Prosecutor.

The Prosecution produced and established the criminal agency and further proved that the injuries were caused by the intentional act of another, not by accident or natural causes. Dr. Moses testified that the wounds were laceration wounds consistent with being inflicted by a sharp object, specifically a broken bottle; moreover, the testimony of multiple eyewitnesses linked the appellant directly to the stabbing of the Private Prosecutor, and these testimonies established the appellant's action of carrying out the stabbing of the Private Prosecutor; the Private Prosecutor also testified that appellant came from his back and stabbed him with a stout bottle, this testimony was corroborated by witness Mabel Kamara, who testified that the appellant stabbed the Private Prosecutor from the back and front; witness Ruth Kimba Keyan testified also corroborated the Private Prosecutor testimony, she testified that the appellant gashed the Private Prosecutor on his back and later his front; again, witness Samuel Keyan testified also, that he saw the appellant on top of the Private Prosecutor gashing him with a bottle.

These testimonies were direct and un rebutted, establishing beyond any reasonable doubt that the act alleged was done and that the appellant was the one who committed the attack against the Private Prosecutor's Person.

It is clear from the corroborated testimonies of the Prosecution that the appellant was clearly the aggressor, that he initiated the confrontation by preventing Mabel from leaving with Private Prosecutor; that he beat Mabel to unconsciousness, and then he surreptitiously approached Private Prosecutor from behind and stabbed him multiple times. Such conduct is clearly consistent with Criminal Attempt to Commit murder as such action was intentional and premeditated.

The appellant has argued that the prosecution's failure to produce the bottle it (prosecution) referenced that the appellant used in the attack created a reasonable doubt and same should work to the appellant's acquittal. We disagree with this contention of the appellant. While it is true that the criminal agency used is substantial in establishing the crime, standing alone it does not undermine a *prima facie* case.

The appellant vigorously contends that the prosecution failed to establish a *prima facie* case because it did not produce in evidence the broken bottle which, according to the indictment and the testimonies of the prosecution's witnesses, was used in the commission of the offense. This contention is without legal merit. At the outset, it is settled that the burden resting upon the prosecution is to establish each essential element of the offense charged beyond a reasonable doubt through competent and credible evidence. The law does not invariably require the production of the instrumentality employed in the commission of a crime where the surrounding facts and circumstances, as established by credible testimony, sufficiently prove the *corpus delicti* and the accused's criminal agency. To hold otherwise would elevate the production of physical evidence above reliable testimonial evidence and would permit the failure to preserve or recover an instrumentality of crime to defeat an otherwise legally sufficient prosecution.

The gravamen of the offense of criminal attempt to commit murder is the intentional commission of a substantial act directed toward the unlawful killing of another under circumstances strongly corroborative of the actor's criminal intent. Consequently, while the alleged weapon may constitute relevant evidence, it is not an indispensable element of proof. The decisive inquiry is whether the evidence presented, viewed in its entirety, establishes beyond a reasonable doubt that the accused undertook the prohibited conduct with the requisite criminal intent.

Physical evidence, while often persuasive, is not the exclusive means by which a criminal offense may be established. Competent, credible, and corroborated eyewitness testimony is itself substantive evidence capable of proving every essential element of an offense. Indeed, courts have consistently recognized that a conviction may rest upon testimonial evidence alone where such evidence convinces the trier of fact of the defendant's guilt beyond a reasonable doubt.

The record before us reveals that the prosecution presented eyewitnesses whose testimonies consistently and independently established that the appellant repeatedly stabbed the victim with a broken bottle. Their accounts were materially consistent as to the identity of the assailant, the nature of the weapon employed, the manner of the attack, and the injuries sustained by the victim. These testimonies were neither inherently improbable nor materially impeached during cross-examination. Rather, they corroborated one another on every material issue necessary to sustain the prosecution's burden.

Conversely, the testimonies offered by the defense were not only contradicted by the prosecution's witnesses but were themselves inconsistent on material particulars. The trial court, having had the singular opportunity to observe the demeanor of the witnesses, evaluate their candor, and assess their credibility firsthand, rejected the defense's version of events.

This Court has long adhered to the principle that findings of credibility by the trial jury are entitled to substantial deference and will not be disturbed absent a clear showing that such findings are manifestly against the weight of the evidence.

Accordingly, this Court holds that the prosecution's failure to produce the bottle allegedly used in the stabbing did not, standing alone, negate the establishment of a *prima facie* case. The corroborated testimonies of the prosecution's witnesses constituted competent and substantial evidence from which the trial court could reasonably conclude that the appellant committed the acts charged. Since the defense failed to present credible evidence sufficient to overcome or cast reasonable doubt upon the prosecution's case, the appellant's contention that the State failed to establish a *prima facie* case solely because the bottle was not admitted into evidence is untenable and must fail.

This Court has held that a *prima facie* case is one which is established by sufficient evidence and can be overthrown only by rebutting evidence adduced on the other side.

The fact that the Prosecution did not produce the broken bottle as physical evidence does not negate its case. The best evidence rule, as found in the Civil Procedure Law, Chapter 25,

Section 25.6, provides that "the best evidence which the case admits of must always be produced; that is, no evidence is sufficient which supposes the existence of better evidence."

The broken bottle was not the only evidence of the crime. The eyewitness testimonies, the medical evidence, and the victim's injuries all constituted evidence that the case admitted of. The record however reveals substantial inconsistencies and contradictions in the testimonies of the appellant's witnesses. The principal defendant maintained that he was the victim of a violent assault during which he sustained severe stab wounds to his back and head, a narrative echoed by the defense's second and fourth witnesses, who described him as bleeding profusely and requiring medical treatment, including sutures; however, when the defendant was requested during trial to display the alleged permanent injuries to the court and jury, no visible scars or marks were observed, notwithstanding the defense's earlier insistence that the injuries were severe. This glaring discrepancy undermined the credibility of the defense's account regarding the nature and extent of the alleged injuries.

The testimonies of the defense witnesses were likewise inconsistent concerning the treatment of the defendant's injuries. While the second defense witness testified that the defendant's wounds were cleaned by his aunt, treated at a hospital that same night, and thereafter the defendant returned to sleep at the witness's residence, the medical witness testified that the defendant was later received at the clinic still bleeding profusely and only then underwent suturing and treatment. These conflicting accounts create uncertainty as to when and under what circumstances the defendant actually received medical attention.

Additionally, the medical witness alone testified that the defendant had lost consciousness before regaining it and requesting discharge, a material fact never mentioned by the defendant himself or any other defense witness.

Material contradictions also appeared regarding the defendant's movements before and after the incident. At trial, the defendant testified that he left his home at approximately 7:00 p.m. on the evening in question, a statement that directly conflicted with his prior voluntary statement to the police indicating that he departed at 9:30 p.m. Although he attempted to deny making the earlier statement, the inconsistency remained unresolved. Similarly, the defendant asserted that after receiving medical treatment he voluntarily proceeded with his family to the police station, whereas the second defense witness testified that the defendant was arrested at the hospital. This version was further contradicted by the prosecution's rebuttal witness, a police officer, who testified that the defendant was brought to the police station by his parents rather than being arrested from the hospital.

The defense's evidence concerning the defendant's character was equally unpersuasive. While a character witness portrayed the defendant as a person of exemplary conduct, that testimony was effectively rebutted by evidence that the defendant had allegedly assaulted another individual with a broken bottle and threatened his life only one day before the incident giving rise to the present prosecution. Moreover, the character witness admitted that portions of his testimony regarding the defendant's conduct during the period he resided in Ghana were not based upon personal knowledge but upon information received from others, rendering that aspect of his testimony hearsay and of little evidentiary value.

Viewed in their totality, these contradictions concern material aspects of the defense's case, including the defendant's alleged injuries, the chronology of medical treatment, the circumstances surrounding his apprehension, his movements before and after the incident, and the credibility of the character evidence. Rather than presenting a coherent and corroborative defense, the testimonies of the defense witnesses materially conflicted with one another, thereby impairing their credibility and diminishing the weight properly accorded to their evidence by the trial court.

Taking all these evidence into consideration, we are convinced that the State proved its case beyond a reasonable doubt and we so hold.

Before closing, we turn our attention to the appellant's argument that the trial judge failed to instruct the jury on the issue of self-defense. This issue we will not dwell on for long as our laws are clear that only issues raised by exceptions made on trial record should be included in a Bill of Exceptions." *Blamo v. Republic*, 17 LLR 232. This Court has held that "where a judge charges the jury and no party excepts to the jury charge, said party cannot raise that issue in a Bill of Exceptions." See *Blamo v. Republic*, *supra*; see also *Garnett Heirs et al v. Allison*, 37 LLR 611.

The trial record reveals that after the court delivered its charge to the jury, Appellant's counsel did not except to the charge. Having failed to except to the charge during the proceedings, Appellant is estopped from raising this issue on appeal. This Court has held that "rights granted by statute or policy may be waived and once waived a party is estopped from asserting them." *Ezzedine v. Saif*, 33 LLR 21.

The appellant's failure to object to the judge's charge to the jury means he agreed to the judge's charge and he cannot raise the issue here for the first time.

Based upon our analysis and findings herein, we affirm the judgment of the lower court in its totality with modification that the appellant shall serve a term of five (5) years' imprisonment, less any period already spent in detention, if he is presently incarcerated.

WHEREFORE AND IN VIEW OF THE FOREGOING, the judgment of the trial court is hereby affirmed in its entirety, with the modification that the appellant shall serve a term of five (5) years' imprisonment, less any period already spent in detention, if he is presently incarcerated. The Clerk of this Court is ordered to send a Mandate to the lower court commanding the judge presiding therein to resume jurisdiction and give effect to this Judgment. IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLORS T. JOSEPH DEBBLAY, DIRECTOR OF PUBLIC DEFENSE AND WILLIAM MOORE JOHNSON OF THE OFFICE OF PUBLIC DEFENSE APPEARED FOR THE APPELLANT. COUNSELLORS AUGUSTINE C. FAYIAH, SOLICITOR GENERAL, REPUBLIC OF LIBERIA IN ASSOCIATION WITH PRINCE M. KRUAH, SR., OF THE HENRIES, KRUAH & ASSOCIATES LAW FIRM APPEARED FOR THE APPELLEE.

Affirmed.