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

Folley Kollie ..... Appellant	)	
	)	
Versus	)	APPEAL
	)	
Republic of Liberia..... Appellee	)	
	)	
GROWING OUT OF THE CASE:	)	
	)	
Republic of Liberia ..... Plaintiff	)	MURDER
	)	CRIMINAL CONSPIRACY &
Versus	)	CRIMINAL FACILITATION
	)	
Folley Kollie ..... Defendant	)	
	)	

Heard: June 22, 2026 Decided: August 28, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

Mr. Justice Tubman speaking for the Supreme Court in the case *Fazzah v. The International Economy Committee*, 8 LLR, 84, 85 (1943) opined that every so often: "...there arises some litigation in the course of judicial proceedings like a mighty billow raising itself to a magnificent height as out of the sea, arousing public excitement, curiosity, anxiety, and interest. The civilians, as seashore visitors and travelers, look often, some with fear, others with satisfaction, and yet others with amazement and trembling." The above-quoted was the situation in Maher-Zobandy Town, Bomi County, when the news regarding the death of Joe Jenekan broke out in the town.

Following the gruesome death of Joe Jenekan, the Grand Jurors of Bomi County during the February Term, A.D. 2022, returned a true bill charging the appellant, Folley Kollie, and several other individuals with the commission of the crimes of murder, criminal conspiracy and criminal facilitation.

At the call of the case, the certified records revealed that the other defendants had not been brought under the jurisdiction of the court; hence, the appellant filed a motion for severance in consonance with the law that "if it appears that a defendant or the government is prejudiced by a joinder of offenses or of defendants in an indictment or by a joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires." *John Jallah v. The Republic of Liberia*, Supreme Court Opinion,

October Term, 2025. Thereafter, the appellant was arraigned and pleaded not guilty to the charges, following which the appellant's counsel prayed the court for a bench trial and same was denied on the basis that the instant case borders on a capital offense. The parties having concluded the production of evidence, the trial judge rendered a guilty verdict against the appellant for the crime of murder. The appellant filed a motion for a new trial arguing essentially that the guilty verdict against him was contrary to the weight of evidence adduced during the trial. The motion was duly assigned, argued and denied.

Subsequently, the appellant being dissatisfied with the ruling of the trial judge, filed its bill of exceptions contending that the verdict as presented by the jury is contrary to the weight of the evidence; and that based on the facts and circumstances of the instant case, the State did not procure sufficient evidence to prove the crime of murder against him as charged in the indictment. Specifically, the appellant contends that to corroborate the charge of murder against him, the State should not have simply alleged that he conspired with some young men from the town to murder the deceased but rather provide substantial proof to establish beyond reasonable doubt the crime of murder as charged in the indictment.

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

(a) Purposely or knowingly causes the death of another human being; or (b) Causes the death of another human being under circumstances manifesting extreme Indifference to the value of human life.

A rebuttable presumption that such indifference exists arises if the defendant is engaged or is an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit, treason, offenses defined in Sections 11.2 or 11.3 of this title, espionage, sabotage, robbery, burglary, kidnapping, felonious restraint, arson, rape, aggravated involuntary sodomy, escape, piracy, or other felony involving force or danger to human life.

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

The Penal Law, Rev. Code:26.10.4.1 provides "A person is guilty of conspiracy to commit a crime if, with the purpose of promoting or facilitating its commission, he agrees with one or more persons to engage in or cause the performance of conduct

which constitutes the crime, and any one or more of such persons does an act to effect the object of the conspiracy.

The Penal Law, Rev. Code: 26.10.2.1 also states:

1. Offense. A person is guilty of criminal facilitation who, believing it probable that he is rendering aid to a person who intends to commit a crime, engages in conduct which provides such person with means or opportunity for the commission thereof and which in fact aids such person to commit a felony. This section does not apply to a person who is either expressly or by implication made not accountable by the statute defining the felony facilitated or related statute.

2. Defense precluded. It is no defense to a prosecution under this section that the persons whose conduct the defendant facilitated has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or for some other reason cannot be brought to justice."

Having quoted the provisions of the Penal Law applicable to the case at bar, we take judicial notice of the appellant's contention that the primary basis of the prosecution's murder charge against him as contained in the indictment is that he ordered the deceased to be excommunicated from the town and taken to his family across the river in a nearby town under the guise of murdering him.

To the contrary, the prosecution insists that it presented sufficient circumstantial and testimonial evidence during the trial to prove beyond reasonable doubt the guilt of the appellant.

Having stated the basic arguments of the contending parties, we must now revert to the trial records to determine whether the prosecution indeed provided substantial evidence to warrant this Court affirming the guilty verdict as presented by the trial court.

At this juncture, we must review the evidence presented by the State and the appellant before making our determination as to whether the State did not adduce sufficient evidence to substantiate the guilt of the appellant beyond reasonable doubt as has been vehemently argued by the appellant.

To begin, we first quote the indictment in its entirety as follows, to wit:

"The Grand Jurors of Bomi County, Republic of Liberia, sitting in its February Term of Court, A.D. 2022, do hereby find more probably than not that the defendants committed the crimes of murder, criminal conspiracy and criminal facilitation in violation of the relevant provisions of the Penal Law to wit:

That during the time period between November 27 and December 5, A.D 2021, the defendants Folley Kollie, Boimah Gray, Youth Leader, Junior Varney, Richard Kollie and Stephen Newton, all resident of Maher-Zobandy Town, Bomi County, in agreement with one another intentionally, maliciously and in a gruesome manner murdered the victim, Joe Jenekan, by removing his clothes and exposing his naked body to the general public; that the defendants in continuing the execution the heinous crime of murder beat on the person of the deceased victim with a cutlass resulting in the removal of some of his teeth and subsequent death; that following the death of the deceased victim, the defendants, by the directive of the Town Chief Folley Kollie, proceeded to dump his lifeless body into the Maher River; that the concerted plan to murder the deceased victim was predicated upon an allegation made by one Kemah Coleman that the deceased had allegedly stolen her flashlight; that the body of the deceased was discovered on Sunday, December 5, 2021, around the river where his body was ordered to be taken; and that in complete disregard of the laws controlling criminal investigation in the Republic of Liberia, the Town Chief conducted a quasi-investigation, which considering the circumstances of this case led to the ill-fated death of the murder victim."

Our decisional laws have firmly established that charges against criminal defendants must be proven as alleged in the indictment. *Williams v. RL*, Supreme Court Opinion, October Term 2014; *Tugbuyei v. RL*, Supreme Court Opinion, March Term 2023. So, one of the foundational tasks the prosecution must meet in this case is to ensure that the evidence proffered by it is consistent and proves the charge of murder as alleged in the indictment.

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

During the trial, the appellee, the Republic of Liberia produced three (3) regular witnesses: Abdullah Marabah, Paul J. Wilson and James Carto, Superintendent of the Police Detachment of Bomi County.

For his part, the appellant produced two (2) witnesses as follows: Folley Kollie, for himself, and Mr. Amos L.B. Darblo.

The testimonies of the prosecution's witnesses basically sought to prove that the deceased murder victim was arrested and fined by the Town Chief on allegation of sleeping with another man's wife and stealing her torchlight; that they were informed by the Town Chief himself that having investigated the matter and following the imposition of a guilty verdict by the elders of the town upon the deceased murder victim, he (Chief Folley Kollie) instructed his men to escort the deceased out of the town; and that the said design to escort the deceased murder victim out of the town was only a cover-up for the appellant's criminally orchestrated plan to murder the deceased which they did when they murdered him during their journey to his hometown and throw his body into the river.

Conversely, the appellant testified as the first witness for the defense and during his testimony before the trial court he indicated that Kermah Coleman, whose items were allegedly stolen by Joe Jenekai, appeared before him in his capacity as the town chief and stated that she did not have money to transport the deceased on motorbike to the Police Station in Tubmanburg for Police investigation; that following this disclosure by Kermah Coleman as regards her lack of funding to transport the deceased to the police station for criminal investigation, it was when the elders reached consensus that the deceased should be investigated by him, fined if found wanting and that his failure to comply with the punishment imposed by the town led to the deceased being escorted by several young men from the town to his hometown across the river to inform his family about his criminal conduct; and that he was later informed that the sad incident which led to the death of the deceased occurred while they were in route to his hometown.

The defense second witness, Amos L.B. Darblo, basically confirmed the testimony of the appellant. Therefore, we deem it unnecessary to restate same herein.

Like most murder cases decided by this Court in recent times, there were no eye-witnesses to directly link the appellant to the crime of murder. The aforementioned indicates that the construction of the State's case is built entirely on circumstantial evidence. Hence, we must review the State's circumstantial evidence to determine

if it met the standard of proof beyond a reasonable doubt to warrant this Court affirming the guilty verdict. However, before proceeding to review the evidence, it is noteworthy to state the precedents of this Court regarding circumstantial evidence.

Circumstantial evidence refers to evidence that indirectly suggests something occurred but does not directly prove it. This type of evidence relies on an inference to connect it to a conclusion of fact. For circumstantial evidence to warrant the finding of a fact, the circumstances must lead to the conclusion with reasonable certainty. In other words, circumstantial evidence must have sufficient probative value to constitute the basis for legal inference. A conclusion must be rationally and logically drawn from the facts established by the evidence when viewed in the light of the common experience. To support the conclusion, the circumstantial evidence must be capable of convincing a rational trier of facts that the conclusion is more probable than any other alternative. The conclusion based on inferences from circumstantial evidence must not be the result of speculation or conjecture. A jury may not infer an ultimate fact from meager circumstantial evidence which could rise to any number of inferences, none more probable than the other. Additionally, an inference stacked only on other inferences is not legally sufficient evidence.

The Supreme Court has consistently recognized that in homicide cases, when proof of the corpus delicti rests upon circumstances, and not upon direct proof, it must be established by the most convincing, satisfactory, and unequivocal proof compatible with the nature of the case, excluding all uncertainty or doubt; that the death of the deceased must be imputed [connected] to a defendant's act, and that absence of this, obviously there is a doubt which as a matter of law must operate in favor of the defendants. Nimely et al., v Republic 21LLR 348,357 (1972); Williams & Williams v Republic, Supreme Court Opinion, March Term A.D. 2014. The Supreme Court has further held "...that to establish the element of death in the corpus delicti the circumstantial evidence must be strong and cogent. It is not sufficiently established by the ill usage, and injuries inflicted on the party alleged to have been killed.

To sustain a conviction, proof of the criminal agency is as indispensable as the proof death. Hence, it is essential in all criminal prosecution to prove the elements that constitute the crime and this burden is on the prosecution as a primary requisite." Nimely et al., v Republic 21LLR 348,357 (1972); and that where circumstantial evidence is relied upon in a criminal prosecution, proof of a few facts or a multitude of facts all consistent with the supposition of guilt is not sufficient to warrant a verdict of guilt. Samuel Otto v. Republic of Liberia, 17 LLR 186, 191 (1966).

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

It is also a firmly-established precedent of this Court that "direct or positive evidence is not necessary to establish corpus delicti. The rule laid down by the early English authorities that the corpus delicti must be proven by direct or positive testimony has been modified by later decisions. The controlling authority now is that direct or positive proof is not essential; all the elements of the corpus delicti may be proved by presumptive or circumstantial evidence. It would be unreasonable to always require direct and positive evidence, for crimes are naturally committed at chosen times, in darkness and secrecy. The corpus delicti of a murder may be established without the production of the weapon alleged to have been used to effect the killing, and without evidence of a post mortem examination/autopsy. Proof of guilt of a crime will be deemed sufficient when the evidence thereof, even if circumstantial, is of such nature as to convince any rational mind of the criminal responsibility of the accused. There are numerous acts which can cause the death of a person; there are as many ways to commit murder as there are to destroy a man. Therefore, no particular kind of act is necessary to constitute the element of the crime of murder. It is sufficient if the act done or omitted results in death. 20 AM. JUR. 2d., Criminal Law, § 1231; Williams et al v R.L. 30LLR 71, 88 (1982); Taylor v. Republic, 14 LLR 524, 530 (1961).

Having cited the judicial standards that must be met before this Court can hold a person guilty for the crime of murder on circumstantial proof, we deem it necessary to restate that the State did not directly link the appellant to the commission of the crime of murder as charged in the indictment. The State only alleged that the appellant instructed young men from the town to murder the deceased. To sustain

this allegation, the State should have provided convincing evidence of the appellant conspiring with young men from the town to murder the deceased under the pretext of taking him out of the town rather than just making allegation. To put it differently, the prosecution should have clearly established through circumstantial proof the specific role played by the appellant or how he contributed to the crime of murder as alleged in the indictment. This singular proof would have made the appellant guilty of the crime of murder as even if he was not present on the crime scene. Nevertheless, as the Court recognizes, the proof proffered by the prosecution could not survive the judicial scrutiny required to meet the standard of proof beyond reasonable doubt. This Court has held in a long line of cases that it is not sufficient to make allegations without proof; that allegations made must be backed by evidence as it is only evidence which enables the Court to determine with certainty the matter in dispute. *Access Bank (Liberia) Ltd. V. Wael Gharzeddine*, Supreme Court Opinion, March Term, 2004; *Intrusco Corporation v. Mohamoud Osseily*, 32 LLR 558, 568 (1985); *Robertson and Reeves v. The Quiah Brothers*, 49 LLR 412, 431 (2012); *Freeman et al. v. Eid*, 49 LLR 19, 31 (2011).

We reiterate as we have held in several decisional laws of this Court that in order 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 his innocence; that material facts essential to constitute the crime charged must be proven beyond a reasonable doubt; otherwise the accused will be entitled to discharge. *John B. Dyson v. Republic of Liberia*, 1 LLR 481, 483 (1906); *Madam Elizabeth Davis v. Republic of Liberia*, 40 LLR 659, 675-676 (2001).

As regards circumstantial evidence, we have indicated herein above that when circumstantial evidence alone is relied upon, the facts and circumstances must form a complete chain and point directly to the guilt of the accused and that every fact essential to the conclusion must be distinctly and independently proven by competent evidence. *Padmore v. Republic* 3 LLR 418 (1933); *Otto v. Republic* 17 LLR (1966). Further, although the State's entire case is built on circumstantial evidence regarding the killing of the deceased by the appellant ordering young men from the town to beat the deceased to death, there is no evidence in the records establishing the criminal agency or the link of the appellant to the crime. As a result of this weak link in the chain of the State circumstantial evidence, the State's generalized theory must crumble in the face of the appellant's testimony to the effect

that he simply ordered the deceased to be taken out of the town, which created more reasonable doubts in the State's case.

Reasonable doubt, says the law, is that state of the case which after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that condition that they cannot say and feel an abiding conviction to a moral certainty of the truth of the charge. Reasonable doubt is a certainty that convinces and directs the understanding and satisfies the reason and judgment of those who are bound to act conscientiously upon it. *Collins v. Republic*, 22 LLR 365, 371 (1974). Also, "in a criminal prosecution, in order to eradicate every reasonable doubt, the evidence must be conclusive; and if it be circumstantial, it should be so connected as to positively connect one element within another for a chain of evidence sufficient to lead a mind irresistibly to the conclusion that the accused is the guilty party." *Elizabeth Davies v. Republic*, 40 LLR, 659, 679 (2001); *Tody-Heith v. Republic*, 39 LLR 50, 64-65(1998); *J. Kamara Burphy v. The Bureau of Traffic*, 25 LLR 12, 23 (1976). We need not reiterate that where circumstantial evidence is relied upon in a criminal prosecution, proof of a few facts or a multitude of facts all consistent with the supposition of guilt is not sufficient to warrant a verdict of guilt. *Samuel Otto v. Republic of Liberia*, 17 LLR 186, 191 (1966).

We hold that because the State circumstantial evidence failed to connect link by link the chain needed to lead any reasonable mind to the conclusion that the appellant did murder Joe Jenekan, the verdict and trial court's final ruling as to the charge of murder being unsupported by the evidence and the controlling laws must crumble.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the trial court adjudging the appellant guilty and sentencing him to life imprisonment is hereby reversed. The Clerk of this Court is ordered to send a Mandate to the court below, commanding the judge presiding therein to resume jurisdiction over this case and give effect to the Judgment of this Opinion. Costs are disallowed. IT IS HEREBY SO ORDERED.

When this case was called for hearing Counsellor William Moore Johnson appeared for the appellant. Counsellors Augustine C. Fayiah, Solicitor General and Counsellor Richard J. Scott, County Attorney Montserrado County, Ministry of Justice, Republic of Liberia appeared for the appellee.