

John Z. Brown, Benjamin O. Buigbo, et. al. of the Liberian Agricultural
Company, District #3, Liberia APPELLANTS VERSUS The **Republic of Liberia**
APPELLE

APPEAL FROM THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL
CIRCUIT, RIVERCESS COUNTY.

LRSC 10

Heard: November 11, 2009.A Decided: January 21, 2010.

MR. JUSTICE JA'NEH DELIVERED THE OPINION OF THE COURT.

The Grand Jurors for the Second Judicial Circuit Court, Grand Bassa Couty, Republic of Liberia, sitting in its February A.D. 2007 Term, presented an indictment charging appellants with murder. Thereupon, a writ of arrest was issued out of the circuit court to bring appellants under its jurisdiction; appellants have since remained in prison pending trial.

The indictment upon which appellants were charged, tried alleges as follows:

That appellants, all employees of the Liberian Agricultural Company (LAC), in the Plant Protection Department (PPD), all serving officers of the Rapid Response Unit (RRU), in number 3 District, Grand Bassa County, left their headquarters on assignment on November 20, 2006, under the command of co-appellant Benjamin O. Buigbo and proceeded to the area between Divisions 2.2 and 2.4 on a security patrol; that while on assignment on the said night of November 20, 2006, appellants spotted on the plantation, Daniel Jimmy as well as Benjamin Glaydor, Isaac Mark and oldpa Garmondeh; that when appellants saw the decedent, Daniel Jimmy, and the other men, and on order apparently issued by Co-appellant Benjamin Glaydor, officers Isaac Mark, oldpa Garmondeh and Benjamin O. Buigboion, pursued and dealt severely with those they caught including decedent Daniel Jimmy; that the decedent was caught by these co-appellants and beaten with batons and cutlasses, resulting to the instant death of Daniel Jimmy; that after appellants killed and murdered the decedent, they sought to conceal the entire incident by carrying the dead body in the company's pick-up labeled 1403, and dumping same into the Jangba Creek, in order that it would appear that the decedent got drowned; that Anthony Gee, Amos Dahmon, Daniel Moye, Moses Paye, along with Benjamin O. Buigbo, Kaisea Railey and Emmanuel Saah were those who physically held and took the body from the pickup and dumped it in the Jangba Creek; that in furtherance of their criminal conduct, appellants, Anthony Gee, Amos Dahmon, Daniel Moye, Moses Paye, along with Benjamin O. Buigbo, Kaisea Railey and

Emmanuel Saah, also caught, assaulted, and severely flogged, Messrs, Benjamin Glaydor, Amos Garsuah and Isaac Beor Mark, inflicting bodily injuries on diverse parts of their victims, including forehead, foot and other important parts and further threatened to also kill Benjamin Glaydor and display his body on the road for him to be known as rubber thief; that appellants having done all of these wicked acts, left and went to Charlie's Town and informed the town people that they were in search of the decedent Daniel Jimmy; this, according to the indictment, was intended to give false impression as to the whereabouts of the decedent, whom they accused of being the President of Rubber Thieves; that there in Charlie's Town, Co-appellant Brown also ordered that when caught, decedent Daniel Jimmy, be tied and turned over to the PPD Headquarters; that appellants, armed themselves with batons and cutlasses also proceeded to Saywayne Town, and in continuation of their criminal motive, knocked the door of a church house and also chased church member, Glaydor and for the fear of bodily injury, a chicken was offered by the town people to appellants.

Appellants were arraigned and pleaded not guilty. As provided under our Criminal Procedure Law, a person charged with the commission of a criminal offense, ghastly as the crime may be, is presumed innocent until the contrary is proven, and where his plea is, as in the instance, NOT GUILTY, the *onus probandi* is on the prosecution to establish his guilt, devoid of reasonable doubt.

Hence, this Court shall not let go the opportunity afforded us by this case to clearly sound this note; that murder is universally considered one of the greatest crimes against society because human life is involved and a human being has died. As this Court held in the case, *Blamo v. Republic*, every society must be protected by the law of the land and someone held answerable for the criminal act; *but guilt must be proven beyond a reasonable doubt; and where the evidence fails to meet this test, the law will acquit the accused.* 17 LLR 232, 234 (1966). [Our emphasis].

According to chapter 14, Sub-section 14.1 (a)& (b) of the New Penal Code of Liberia, 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 rebuttal 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, offences 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."

Defense filed a motion for change of venue grounded on I LCL Rev., title ii, (Criminal Procedure Law) section 5.7.1 (b). It provides that proceedings in criminal prosecution may be transferred where there is reason to believe that an impartial trial cannot be secured in the county in which it is pending. The court granted the motion and the case was transferred to Rivercess County.

At the trial presided over by His Honor, Emmanuel N. Kollie, sitting by assignment, both sides produced evidence in support of their respective position. The trial jury retired and returned a unanimous verdict of "GUILTY" against appellants. The judge denied defense motion for a new trial and on May 2 ND, A.D., 2008, issued his final ruling, concluding as stated:

"After carefully analyzing, viewing and weighing all evidence and testimonies of the witnesses pro and con, the jurors returned with a unanimous of guilty against the defendants for the murder of defendant Daniel Jimmy.

"The court on her part has also considered all the evidence, testimonies and verdict brought by the trial jury and has noted that said unanimous verdict is in line with the weight of the evidence adduced at the trial of this [case].

"Wherefore and in view of the foregoing and considering the weight of the evidence adduced at the trial and the unanimous verdict brought by the petit jury the said verdict can not be disturbed for it is in complete harmony as per procedure.

"It is therefore adjudged that defendants are hereby guilty of the crime of murder committed against Daniel Jimmy, the late. This court further confirms and affirm the said unanimous verdict as in keeping with chapter 14.1 A and B of the New Penal Code of Liberia and under the circumstance the said defendants are hereby sentenced to life imprisonment effective as of today. In furtherance they shall be transferred to Monrovia Central Prison, Montserrado Count, pending the improvement and availability of adequate prison facility for Cestos City, Rivercess County at which time they be returned to continue serving their sentence "

It is from this final ruling rendered at the Circuit Court for the Fourteenth Judicial Circuit, Rivercess County, appellants have appealed. Both in their bill of exceptions and brief argued before this Court, appellants principally contended and urged our

attention to the following as contained in the said bill of exceptions:

"1. That the verdict of the empanelled jury brought against defendants/ appellants on Saturday, April 19, A.D. 2008, at the hour of 2:00 o'clock a.m. is contrary to, and against the weight of the evidence adduced at the trial. Notwithstanding, Your Honor denied Defendants/ Appellants' Motion for new trial and entered final judgment based upon the verdict of the empanelled jury, for which error of Your Honor Defendants/ Appellants except."

"3. While on the stand, witness Angel Kpolleh testified before this Honourable court and jury that decedent Daniel Jimmy was murdered by Defendants/Movants in his presence and with his partial participation on the night of November 20, 2006, when he (Angel Kpolleh) and Movants/ Defendants, while on patrol of duty, spotted decedent Daniel Jimmy, Benjamin Glaydor, Isaac Beor Mark and Oldpa Garmondeh and Amos Garsuah, on LAC plantation where they had gone to steal rubber from the company. Witness Kpolleh further testified that after he and the Movants/ Defendants had chased decedent Daniel Jimmy and others, the decedent was arrested and later murdered by the defendants/ appellants on the selfsame night of November 20, 2006. That on the night of November 20, 2006, the body of the decedent was transported in a vehicle marked #1403, owned by the Liberian Agricultural Company to the Jlangba Creek where it was dumped. Witness Angel Kpolleh also testified that on November 21, 2006, he informed Dr. Valentine Sawyer, a medical doctor then in the employ of LAC, about the murder of decedent Daniel Jimmy on the previous night, November 20, 2006, 2006. That he (witness angel Kpolleh) and the said Dr. Valentine Sawyer, who was later paraded as an expert witness for the prosecution, surreptitiously, clandestinely, and secretly went to the Jlangba Creek on the night of November 21, 2006, and there Dr. Valentine Sawyer saw and examined the body of the decedent Daniel Jimmy.

"4. The testimony of witness Angel Kpolleh as narrated in paragraphs 1.2 and 1.2 above, was contradicted by the testimony of Dr. Valentine Sawyer, expert witness for the prosecution when he took the stand as the prosecution ninth (9th) witness. Dr. Valentine Sawyer testified before this honorable court and jury that he was contacted by the police, UNMIL and PPD and informed about the death of decedent Daniel Jimmy on December 6, 2006. Expert witness Dr. Valentine Sawyer also testified that it was on December 7, 2006, that he preceded to Jlangba Creek within the LAC plantation, saw the body of decedent Daniel Jimmy in an advanced state of decomposition and examined same. According to Dr. Valentine Sawyer, because of his limitation in determining the cause of death, he being a medical doctor only and not a pathologist, recommended that an autopsy be carried out in order to determine the cause of the decedent's death.

"7. That based upon the averments contained in Counts Two (2) through six (6) above, Your Honor erred when Your Honor denied defendants/ appellants motion for new trial and entered final judgment based upon the verdict of the empanelled jury; for which error of Your Honor defendant/ appellants

excepts."

"15. That the Defendants/appellants say and submit that after the close of argument on both sides. Your Honour should have charged the empanelled jury and order them to retire into their room of deliberations within the bailiwick of the court. However, Your Honor contrary to the law, procedure and practice hoary with age in this jurisdiction, after consulting with the United States Judicial Monitor assigned to Rivercess County, Mr. Eric Delanyo Alifo, allowed the empanelled jury to be taken by and at the instance of the said Eric Delanyo Alifo to the UNMIL compound in Cestos city, where they were kept until 2:00a.m. Saturday morning, April 19, 2008, before being brought back to the court accompanied by the County Attorney for Rivercess /Grand Bassa Counties, Attorneys Kelvin Zogan and Nelson A. Reeves on the one hand, and the United Nations Judicial Monitor and UNMIL personnel and officers of the Liberia National Police, on the other hand.

"16. Further to paragraph 4.1 above, defendants/appellants say that the law in this jurisdiction is that none of the party litigants or their counsel or third parties, are allowed to have access to the empanelled jury during the period of their deliberation and return of their verdict. Accordingly, it was erroneous and prejudicial to the interest of Defendants/appellants for UNMIL personnel, Liberia National Police Personnel, the United Nations Judicial Monitor and the prosecuting attorneys to have been allowed access to the empanelled during the deliberation and prior to the return of their verdict. Hence, the verdict was unduly influenced by UNMIL, the Liberia National Police, the United Nations Judicial Monitor and the Prosecuting Attorneys."

It is important to indicate that the allegations made in the bill of exceptions here above related, were approved by the presiding judge WITHOUT STATING or INDICATING ANY EXCEPTIONS thereon. Where claims of irregularities are made, as especially serious as jury tempering in the case at bar, our statute law as well as jurisprudence impose a duty on the judge at the time of approving the bill of exceptions to note his reservations, if any.

I L.C.L. Rev., title 1, (Civil Procedure Law), section 51.7 (1973), also applicable in criminal proceedings, speaks to the requirement of a judge to note his reservations and concerns on bill of exceptions, providing inter alia as follows: "... The appellant shall present a bill of exceptions signed by him to the trial judge within ten days after rendition of the judgment. The judge shall sign the bill of exceptions, noting thereon such reservations as he may wish to make. " [Emphasis supplied]. Further, in both *Trowein v. Kpaka*, reported in 34 LLR 130,132(1986), and *Sio v. Sio*, published in 34 LLR 245,248 (1986), this Court restated and affirmed the same requirement as a principle. Neglect by a judge to indicate his reservations on any count contained in a bill of exceptions, unless there is glaring showing in the transmitted record to the contrary, is fatal to the final judgment.

Absent note of this reservation by the trial judge, to affirm His Honor, Judge Kollie's final judgment or treat it otherwise, has therefore compelled the exhaustive review which we have accorded the case at bar.

Hence, we have deemed satisfactory that the following two issues are dispositive of the controversy before us:

(1) Whether the law regulating sequestration of jurors was violated when the jurors were removed from their designated place of retirement, thereby committing reversible error?

(2) Whether the final ruling entered by the trial judge is supported by law to sustain the judgment of conviction in these proceedings? Or put differently, whether the verdict of guilty brought by the trial jury against appellants is supported by the weight of the evidence adduced at the trial?

As to the first question, appellants contend that the trial judge committed fatal error of law when he allowed a judicial monitor, one of the officers of United Nations Mission in Liberia (UNMIL), to relocate the sequestered jury, from the place where the jurors were heretofore sequestered in the vicinity or premises of the court, to UNMIL headquarters in Cestos City, Rivercess County.

In counts 4.1 and 4.2 of their motion for new trial, appellants and movants in the court below, submitted the following:-

"That the movants/defendants say and submit that after the close of argument on both sides, Your Honor should have charged the empanelled jury and ordered them to retire into their room of deliberations within the bailiwick of the court. However, Your Honor, contrary to the law, procedure and practice hoary with age in this jurisdiction, after consulting with the United Nations Judicial Monitor assigned to Rivercess County, a Mr. Eric Delanyo Alifo, allowed the empanelled jury to be taken by and at the instance of the said Eric Delanyo Alifo to the UNMIL Compound in Cestos City, where they were kept until 2:00 a.m. Saturday morning, April 19, 2008 before being brought back to the court accompanied by the County Attorney for Rivercess/Grand Bassa Counties Kelvin Zogan and Nelson A. Reeves, on the one hand, and the United Nations Judicial Monitor and UNMIL personnel and officers of the Liberia National Police, on the other hand.

"4.2 Further to paragraph 4.1 above, Movants/defendants say that the law in this jurisdiction is that none of the party litigants or their counsel or third parties, are allowed to have access to the empanelled

jury during the period of their deliberation and return of their verdict. Accordingly, it was erroneous and prejudicial to the interest of movant/defendants for UNMIL Personnel, Liberia National Police Personnel, the United Nations Judicial Monitor and the Prosecuting Attorneys to have been allowed access to the empanelled jury during their deliberation and prior to the return of their verdict. Hence, the verdict was unduly influenced by UNMIL, the Liberia National Police, the United Nations Judicial Monitor and the Prosecuting Attorneys. For these blatant and prejudicial irregularities, movant/defendant say that they are entitled to a new trial and movants/defendants so pray."

Resisting counts 4.1 and 4.2 as related in the motion for new trial, prosecution denied interference with the jury but admitted relocation of the jury by UNMIL while under sequestration. In counts 11, 12 and 13 of its resistance, the state stated as quoted:-

"11....The fact of the matter is that before the trial court could end the instruction to the jury after the close of arguments, it was dark and the inability of the court and the parties to provide current for the jurors in their retired room of deliberations where they were under sequestration, the trial court was constrained to contact UNMIL for the use of their compound for the jurors to meet and bring down their verdict. Under our law, immediately after the instruction to the jury, they must be retired to the room of deliberation; and in as much as the court and the parties could not provide light for the use of jurors in their room of deliberation, it was not an error on the part of the court to contact UNMIL for the use of their compound.

"12.Further to the above, UNMIL is not a party to the suit and there is no scintilla of evidence to establish their interest. Rendering assistance for the smooth operation of the court is not an error.

"13.Further to the above, at no time the National Police interfere with the jurors at that night, and if so, prosecution challenges the movants to produce photographs, evidencing the presence of LNP and the County Attorneys in the room of the jury during their deliberation on April 18, 2008; had it been the case, they would have raised the issue before or immediately after the verdict on record as a notice."

We do not agree that the removal of the jurors, as conceded by the state from their designated place of retirement to a strange place, even by the state's own account, conforms to the law regulating sequestration in our jurisdiction. I LCL Rev. title I (Civil Procedure Law) section 22.8 applies to this case. The language of the provision aforementioned speaks to the following:-

"All the regular jurors comprising a jury shall be kept together from the time it is sworn or affirmed until it renders a verdict and its discharge.... No juror, either regular or alternate shall communicate with any person other than the constable or bailiff soon to attend them...."

A similar question about jury interference was raised before this Court most recently. Mr. Justice Kporkor Sr., speaking for this Court in *Gould et al vs. Republic*, an Opinion delivered during the October 2007 Term of this Court, upheld the principle in the *Ginger vs. Bai*, case, reported in 19 LLR 372 (1969) text at 375; that where a party raises a charge of jury tempering, the trial court should suspend all proceedings to properly investigate this serious investigation. Also citing the case *Constance & Continental General and Life Insurance Company v. Aiavon et al*, found in 40 LLR, 295, 303 (2000), this Court further held:-

[a] A proper basis for inclusion in a motion for a new trial and the bill of exception of a complaint regarding jury tempering or irregular behavior is that it first be raised while the jury is still empanelled, and where a party fails to follow this procedure the issue will be considered to be improperly brought before the Supreme Court for review."

Certified records before us reveal that the verdict of the trial jury was returned on the 18th day of April, 2008. Subsequently, counsel for appellant made the following submission:-

"Counsel for defendants most respectfully begs to inform court that for and on behalf of the defendants in these proceedings, counsel had just filed this 23rd day of April, 2008 a motion for new trial. Counsel further says that since it is required by law for the hearing of the motion before the rendition of final judgment, counsel request court that Your Honor kindly assigns said motion for hearing. And respectfully submits."

This motion was granted by the court, heard and denied. So clearly, not only did counsel for appellants timely raise the issue of jury tampering in the motion for new trial, the records are void of any showing that an investigation was ever conducted by the trial judge into said serious allegation as required by law. 19 LLR, *Ginger, et al. v. Bai* 372, 375 (1969).

It does strike this Court, as certified records reveal, that following appellants arraignment and plead of not guilty, it was on the state's application made on March 14, 2008, sequestration was granted by the trial court. In its application, the state made the following submission:

"At this stage, the government of the Republic of Liberia, by and through the Ministry of Justice, submits and says that this case is a murder case, which falls under the category of capital offenses. Besides the gravity of this case, there are many defendants to include ten (10) [who] have been charged with murder and if the State should [win] this case, their lives will be [in] jeopardy by way of death

by hanging or life imprisonment. The purpose for prosecution is not to convict, but to ensure that justice prevails. In order for justice to prevail in the interest of the State, it is our humble plead and or application that the empanelled trial jury be sequestered so as to hold them together during the trial of the case to avoid mistrust, miscarriage of justice or tempering with them...."

Over defense objection, the court granted prosecution's application noting that this was a necessity to avoid "any temptation" as indicated in its ruling substantially quoted below:

"...The case now on trial is first degree felony and as such, it is an infamous crime, and capital offense, the trial of which must be borne in all transparency and partiality; that means, all legal and necessary procedure be followed to erase any benefit of the doubt. Under the circumstance, sequestration is a manifest necessity for it helps the trial jury to be kept together for better understanding of, and to avoid the event of any temptation, whatsoever. If this premises is not properly granted, anything otherwise may occur on the contrary. Hence the court deems it necessary to grant the request for the aforementioned said reason and that this request is granted in good faith and not for otherwise."

By this ruling, the judge clearly determined that sequestration of the jury was a manifest necessity. By this determination, it is apparent that the trial judge's conclusion was informed by the immense public interest understandably shown in this murder case. To the mind of the trial court, and correctly so, granting the state's application for sequestration, was imperative to avoid any possibility of outside influence. The judge was mindful that any act that gives impression of interference could undermine the principle of fair and impartial public trial to which every defendant, especially in a criminal trial, is entitled as a constitutional safeguard.

In the case *Williams v. Lewis* 1 LLR 229, 230 (1890), this Court held that:

"where a jury allows one outside of its panel to assist in making up its verdict, it is an irregularity which is good ground for a new trial, and where a new trial is refused, and judgment is rendered on such verdict, it is sufficient reason for reversal of said judgment."

In the *Williams case*, a debt matter, where claims or setoffs became contentious issue, the record reveals that one D.E. Howard went into the jury room after it had retired for deliberation seeking to assist the jurors with some calculations. Thereafter, the defendant vehemently contended that Howard's influence on the jury resulted in the verdict against him, the defendant in the court below. On appeal, this Court sustained his contention and held that the appellant was entitled to a new trial as a result of said interference or tampering. This is what the Supreme Court in that unanimous opinion,

said:-

"This fact is a most fatal feature to the verdict, and yet we do not dwell here to establish so great a wrong. The law abhors any interference with the jury after they have retired for deliberation. The act of D.E. Howard entering the petit jury's room, and calculating for them, does not at first glance present a favorable phase. Both Howard and the jury violated the laws most flagrantly. Howard entering the jury room and not knowing whether he was called there or went there himself, and conversed with one of the jury on the subject which they had under their deliberation, and concerning which some of them were dis-satisfied, is a grave matter. How much was said or done during the interview Howard had with the jury is still a mystery, for neither Howard nor the jury could legally give evidence to excuse or justify themselves. The violation of such a positive law of the land, which so strictly enjoined them to keep themselves together and converse with no one before they have rendered a verdict, should have had the careful and strictest attention of the court below; such violations left un-noticed may lead to the most direful infringements on the rights and liberties of litigants." Ibid. 231.

Applying the principle enunciated in the case immediately above cited, clearly what may have transpired at the new location, where the jury was transferred, is still a mystery. Did the outsiders, including state security officers, who assigned unto themselves the authority to relocate the jury, with the tacit aid of the trial court, influence the outcome of the verdict which was returned to the court at 2: a.m.? Did investigators, prosecutors or those working to secure conviction, apparently at all costs, by any form, shape or character speak, directly or indirectly with any member of the jury? From the records before us, no answers are provided to these questions.

Clearly, not only the jury should not be tempered with; the spirit of the law equally requires that the jury during the entire period of sequestration must be seen as not being interfered with within the strictest meaning of the words. As conceded by the state, our law prescribes that immediately after the judge instructs the jurors, they must be retired to the room of deliberation.

It is interesting to note also that the state in its argument maintains that non provision of light for use of the jurors in their room of deliberation was a failure squarely attributable to the parties in these criminal proceedings. This failure on the part of the parties, the state argued, justified the court to seek outside assistance. Under such a circumstance, according to the state, the court committed no error when it allowed the sequestered jury relocated from the bailiwick of the court to a new facility for the purpose of its deliberation and to arrive at a verdict. Prosecution however woefully failed to cite any law to support this argument made with forensic eloquence.

To the mind of this Court, an argument of this kind, to say the least, is too absurd a position to insist upon. We totally disagree as the state has the resources to effectively attend to a difficulty of the kind indicated herein especially in a murder case. Under our law, immediately after the instruction to the jury, they must be retired to the room of deliberation; it was the sole responsibility of the state to provide light for the use of jurors in their room of deliberation. Accordingly, it was a reversible error on the part of the court to contact UNMIL for the use of their compound. This relocation was a violation of the letter and spirit of the law controlling sequestration in this jurisdiction.

In *Doe v. Republic* also a murder case, reported in 21 LLR 279 (1972) text at 284, a jury tampering was alleged as one of the jurors was seen outside the bailiwick of the court. Appellant in that case contended that this constituted a violation of the law governing jury trials. This court speaking to this issue, observed that the controlling statute must be "*strictly observed and carried out and especially so in a trial for capital a offense.*"

The Court then held.

"We regard the failure to do so reversible error, for it is very possible that the jurors may have been influenced by someone prejudicial to the interest of appellant..."

Additionally, the trial judge neglected and failed to conduct the minimum of fact findings to satisfy the court as to what may have occurred at the new location. In the face of this substantial neglect and failure to conduct an investigation into the jury tempering allegation, and the said jury having been long disbanded, this question as to what actually transpired will forever remain shrouded in the garment of eternal mystery. It would not be just under the circumstances to affirm this conviction.

In *Munnah et al. v. Republic*, 35 LLR 40, 46 (1988), this Court defined just trial by a jury and set the legal standard for the validity of a verdict. The Supreme Court held:

"...a speedy trial, public and impartial trial by a jury means that the minds of the jury should not be influenced by the court and that whatever verdict it brings against or in favor of any party should be based upon the evidence adduced at the trial, the jury being the sole judges of facts in whose province it is to accord whatever credibility it deems fit to the evidence brought before in any given case...." [Our emphasis].

The second issue raised in the bill of exceptions is whether the verdict and final ruling entered thereon are supported by law to sustain the judgment of conviction in these proceedings? 'Or put differently, whether the verdict of guilty brought by the trial jury

is contrary to the weight of the evidence adduced at the trial?

Given the position we have taken in this case, and having concluded that the trial judge, by denying appellants' motion for new trial, committed fatal error, any further review of this case will be unnecessary, as that would not change the ultimate conclusion this Court has reached.

HAVING CAREFULLY EXAMINED SEVERAL QUESTIONS RAISED IN THESE APPEAL PROCEEDINGS AND SCRUTINIZED THE MANY PROCEDURAL IRREGULARITIES THAT RENDERED THE FINAL JUDGMENT UNSUPPORTED BY THE RUDIMENTS OF A FAIR AND IMPARTIAL TRIAL, WE HAVE NO HESITANCY IN SETTING ASIDE THE JUDGMENT OF THE TRIAL COURT AND ORDERING THE CASE REMANDED FOR A NEW TRIAL. AND IS SO ORDERED.

JUDGMENT REVERSED AND CASE REMANDED FOR NEW TRIAL.

J. Johnny Momoh, Albert S. Sims, and Betty Lamin-Blamo of Sherman & Sherman, Inc. Law Firm appeared for appellants. Wilkins Wright and Yarmie Q. Gbeisay, Sr. of the Ministry of Justice appeared for appellee.