

**FINE BOY GISSI**, Appellant, v. **REPUBLIC OF LIBERIA**, Appellee.

APPEAL FROM JUDGMENT OF CONVICTION OF MURDER.

Argued May 16, 1957. Decided June 14, 1957.

A judgment of conviction of first degree murder will be affirmed when the appellant's counsel submits that the trial below was regular and the evidence so conclusive as to exclude every reasonable doubt as to the guilt of the accused.

On appeal from the judgment of the court below, counsel appointed by this Court to represent the appellant filed a submission joining the appellee in praying that the judgment be not disturbed. The *judgment* was *affirmed*.

*Momolu S. Cooper* for appellant. *Assistant Attorney General J. Dossen Richards* for appellee.

MR. JUSTICE MITCHELL delivered the opinion of the Court.

This is a case of first degree homicide. Counsel who represented appellant below failed to appear before this Court. To afford appellant his constitutional rights and benefits, this Court appointed Counsellor Momolu Songu Cooper to represent him at the assignment of the case.

At the call of the case a motion was filed by the appellee to dismiss the appeal on the ground that the appellant had neglected to file and have served on the appellee a notice of appeal.

Before this Court cognized the aforesaid motion, counsel for appellant made the following submission :

"Immediately after my appointment by Court to represent the appellant in the above-entitled cause, I procured a complete set of the records certified to this Court by the clerk of the trial court, and commenced studying the same with a view to finding out whether appellant had been given a fair judicial trial below.

"From inspection and careful study of the records in the case, I have come to the conclusion that the trial was regular and the evidence so conclusive as to exclude every reasonable doubt as to the guilt of the accused. I have therefore no alternative but to join the appellee in praying that the final judgment be not disturbed.

"Respectfully submitted,

"Fine Boy Gissi, appellant, By and through his Counsel :

[Sgd.] MOMOLU S. COOPER

*Counsel appointed by the Supreme Court of Liberia to represent the appellant."*

This submission made by counsel for the appellant relieves this Court of the duty of passing upon the merits of matter contained in the appellee's motion.

And now, giving consideration to the submission, this Court has no alternative but to uphold the principle of law previously laid down in matters of this nature:

"When the evidence is clear and the trial regular, the judgment will not be disturbed."

*Moulton v. Republic*, 2 L.L.R. 47 (1911).

Our opinion is that the evidence is clear and the trial regular. The judgment of the court below is therefore affirmed. And it is hereby so ordered.

*Affirmed.*