

PAUL SANTEE, et al., Appellants, v. REPUBLIC OF LIBERIA, Appellee.

JUDGMENT WITHOUT OPINION.

Decided December 14, 1978.

When this case was called for hearing, Counsellor *Roosevelt Bortue* appeared for the appellants, and Solicitor General *E. Winfred Smallwood* and Counsellor *Elwood Jangaba* appeared for the appellee. Counsel for the appellant argued and closed argument on the opening for his clients; the Solicitor General then made the following record in the Court's minutes:

"Prosecution says that even though a brief has been submitted in this case in keeping with assignment, after a careful study of the records made during trial of the case we are not satisfied that the evidence is sufficient to support manslaughter for the following reasons :

"1. Allegations laid in the indictment which tends to allege the cause of death merely state that the decedent after having been forcibly taken before the judge (Justice of the Peace) thereafter 'fell ill and died.'

z. The testimony of all the witnesses substantiates the fact that the decedent was taken into court by force because he refused to obey a summons, but none testified to the fact of any blow or any other injury having been received by the decedent at the time.

"3. The decedent died within the County of Lofa where there are medical physicians, but regrettably none was ordered to perform an autopsy on the body of decedent to establish the cause of death. And we presume that because of the fact that the report that was submitted was prepared and signed after an examination of the body by a physician assistant, who in this case is a nurse, not qualified to perform such a task, the County Attorney did not make use of said document.

"Because we are not satisfied with the cause of death in this case, we hesitate to prosecute any further and respectfully ask this Court to reverse the judgment and sentence imposed on the defendants, and submit."

In view of the circumstances and of the position taken by the appellee, it is adjudged that the judgment of the trial court should be and the same is hereby reversed. And the Clerk of this Court is ordered to send a mandate down to the court below commanding the judge presiding therein to resume jurisdiction over the cause and discharge the defendants/appellants without day. And it is so ordered.