

JAMES TARWELSON and SAMMY TARLEY, Appellants, v. REPUBLIC OF LIBERIA, Appellee.

## **JUDGMENT WITHOUT OPINION.**

Decided April 28, 1978.\*

When this case was called Counsellor *Harper Bailey* appeared for the appellants, and Counsellor *Jesse Banks* of the Ministry of Justice appeared for the appellee and offered the following submission of the Solicitor General "That he [the Solicitor General] has carefully read and scrutinized the records in the case and the evidence adduced at the trial, and is convinced that the judgment of 'guilty of murder' rendered against the defendants/appellants in the court below is not supported by the evidence in that

"1. No evidence was adduced at the trial to show that the cane juice which allegedly caused the death of decedent Brown Nayou was poisoned by defendants/appellants;

"2. That neither the medical certificate nor the testimony of Dr. Ranachandra, M.D., did show that decedent's death was caused by alcoholic ingestion of the cane juice; but rather that decedent died from septic shock following gangrenous bowels.

"Wherefore, and in consideration of the foregoing facts and legal reasons, appellee respectfully requests the Supreme Court of Liberia to discharge the defendants/appellants from any further liability in the above mentioned case." In consequence of the submission filed by the State, arguments on both sides were waived; it is therefore adjudged that the judgment of the trial court should be and the same is hereby reversed. The Clerk of this Court is ordered to send a mandate down to the lower court commanding the judge presiding therein to resume jurisdiction over the cause and release the defendants/appellants from further custody, and to discharge them without day. And it is so ordered.

- Mr. Justice Barnes did not participate in this decision.