

Muamu Toure and Children (to be identified) of Truck Garage, Double Bridge
Community Monrovia, Liberia APPELLANTS Versus **Republic of Liberia**,
APPELLEE

LRSC 41

APPEAL

JUDGMENT

When this case was called for hearing, appellant was represented by Counsellor Snosio E.Nigba and the appellee, by the Ministry of Justice, by and thru Counsellor Betty Lamin Blamo, Solicitor General of Liberia, Counsellor Yamie Q. Gbeisay, Sr. Senior Legal Counsel, and Counsellor Augustine C. Fayiah, Assistant Minister for litigation.

Having heard the legal arguments on both sides and considering the relevant laws cited, it is hereby

ADJUDGED:

That the finding of the court below adjudging appellant guilty for criminal mischief is hereby confirmed. However, said judgment is confirmed with the modification that as the crime committed by the appellant constitutes a misdemeanor of the first degree under the Penal Law and not second degree as adjudged by the court below, the crime of which the defendant/appellant is adjudged guilty is a misdemeanor of the first degree. Accordingly, the sentence of the defendant to a jail term of three years, being erroneous and un-supported by law, the sentence is modified to a jail term of three (3) months. The appellant is ordered to retribute to the private prosecutrix the amount of United States Two Thousand, Four Hundred and Forty Seven Dollars and Fifty Cent (US\$2,447.50) instead of the lower court's judgment requiring restitution of United States Three Thousand Dollars (US\$3,000.00).

That this judgment relates only to the court's findings that the appellant indeed committed the crime of criminal mischief, and punitive measure assigned to such act under our law requires her to make restitution and serve a jail term. However, the appellant is not precluded from instituting an action seeking in court a hearing to determine her right or title to the said property if she so desires.

The Clerk of this Court is ordered to send a mandate to the court below to resume jurisdiction over this case and give effect to this judgment. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE HONOURABLE
SUPREME COURT OF LIBERIA THIS 15th DAY OF JULY, A.D. 2013.

Note: Madam Justice Yuoh had not ascended to the post of Associate Justice of the Supreme Court when this case was heard; hence, she did not sign this judgment.

[Please see pdf file for signatures]