

Hans Capehart Williams and Mardia P. Williams Appellants v **Republic of Liberia**, by
and thru the Ministry of Justice Appellee

APPEAL

LRSC 47

JUDGMENT:

When this case was called for hearing, Counsellors F. Musa Dean, Jr. and Necular Y. Edwards of the Dean and Associates Law Offices, in association with Counsellor Pearl Brown Bull of the Bull Law Firm, appeared for the appellants. Counselors Augustine C. Fayiah, Assistant Minister of Justice for Litigation, J. Daku Mulbah, County Attorney for Montserrado County, in association with Counsellors M. Wilkins Wright of the Wright and Associates Law Firm and Theophilus C. Gould of the Kemp and Associates Law Firm appeared for the appellee.

Having carefully reviewed the certified records in this case, heard the arguments and contentions advanced by the counsels representing both parties and considered the laws cited and relied upon, it is hereby

ADJUDGED

That under our jurisprudence, every accused person is presumed innocent until proven guilty. In order for the accused to be convicted in a criminal case, the Prosecution must prove the guilt of the accused with such legal certainty as to exclude every reasonable hypothesis of his innocence, material facts essential to constitute the crime charged as laid in the indictment must be proven beyond a reasonable doubt. And if the charge against the accused is based on circumstantial evidence, such evidence should be so linked as to positively connect one element within another to a chain of events sufficient to lead the mind irresistibly to the conclusion that the accused is the guilty party. Whereas in the case before us, the accused is charged with murder, a capital offense, the Prosecution is required to establish that the cause of death is attributed to the accused, otherwise, the accused is entitled to acquittal.

That in the instant case, the Prosecution failed to meet these mandatory threshold standards for the conviction of Hans Capehart Williams and Mardia Pakue Williams, the appellants in this case. Hence, the appellants are entitled to acquittal.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the final verdict/judgment of the trial court entered on March 19, 2010, adjudging the appellants guilty of the charge of murder, being contrary to the weight of the evidence adduced at the trial, is hereby set aside and reversed. The appellants are ordered immediately released from further detention at the Monrovia Central Prison and their constitutional, statutory and civil rights, liberties and all other rights are hereby restored.

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

GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA THIS 15TH DAY OF AUGUST, A.D. 2014

[Please see pdf for signatures]

Note:

Mr. Justice Philip A.Z. Banks, Ill, was Minister of Justice during the time this case was tried at the lower court. He therefore recused himself from the hearing and determination of this case. Hence, he did not sign this Judgment.