

WEAGA YALLAH, Appellant, v. REPUBLIC OF  
LIBERIA, Appellee.

APPEAL FROM THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT,  
LOFA COUNTY.

Argued October 22, 1970. Decided January 22, 1971.

1. When submission by appellant's counsel of his inability to predicate a legal defense for his client is clearly supported by the evidence at the trial, the Supreme Court will affirm the judgment of the trial court, without argument.

The appellant was indicted for assault and battery with intent to kill. His defense at the trial was that he mistook the woman shot for an animal at the time he fired into the bushes, but a prior history of ill-feeling between him and the woman shot was established. He appealed from the judgment of the court after he was found guilty. At the call of the case, his counsel submitted his inability to construct a legal defense for the appellant. Based upon counsel's submission and the facts introduced in evidence at the trial, the judgment was affirmed by the Supreme Court.

*J. Dossen Richards* for the appellant. *The Solicitor General* for appellee.

MR. JUSTICE SIMPSON delivered the opinion of the Court.

During the month of July, 1965, the exact date being unknown, at Voinjama, in Lofa County, appellant allegedly did shoot and wound one Kollie, and in consequence thereof was indicted by the grand jury of Lofa County for the crime of assault and battery with intent to kill.

At the trial, during the August Term, 1965, of the

Seventh Judicial Circuit, Lofa County, the facts evidenced that during the aforesaid month of July, of the year 1965, the private prosecutrix, together with another female, left the town where they lived and went to the back thereof for the purpose of tending their pepper gardens. While in the pepper garden, the defendant passed nearby and from a distance of approximately 55 feet took his gun from his shoulder and shot and wounded the person of the private prosecutrix.

The evidence also showed that there had been a previous altercation between the private prosecutrix and the defendant, with reference to an alleged trespassing by Madam Kollie upon premises belonging to Yallah. Upon taking the stand in his own defense, Yallah said that while passing the pepper garden of Kollie he saw the bushes shaking, and by bushes he meant corn bushes, in addition to the pepper bushes that comprised the pepper garden of the private prosecutrix. Having put his load on the ground, he thereupon proceeded to look at what was shaking and considered it to be caused by a water monkey. He thereupon discharged his gun and it was only subsequent thereto that he heard crying and realized that he had shot a human being, rather than a monkey.

At the trial court the defendant was found guilty and sentenced to a jail term of four months. An appeal was thereafter regularly prosecuted and the matter has now come before us for adjudication. However, at the call of the case, counsellor J. Dossen Richards, counsel for the appellant, made the following statement for the record:

“That he has carefully read and studied the record of the trial of this case in the lower court and has not been able to formulate any legal defense or reasons for a reversal of the judgment of the lower court because the testimony of the appellant himself is to the effect that he saw what appeared to be the pepper and corn bushes shaking and when he looked he saw the face of the private prosecutrix which appeared to him to be

a monkey and he shot her. For whatever this might be worth judicially it does not, in his opinion, warrant any legal defense; consequently, he makes this submission and submits."

In view of the above, coupled with the cogency of uncontroverted facts to the effect that the act was knowingly committed by the appellant, the Court has no other alternative but to affirm the judgment of the court below.

*Affirmed.*