

HONDOR and BOYMAH ZU, Principals, and ZOPOLLO, JR., Accessory, Appellants, v. REPUBLIC OF LIBERIA, Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT, MONTSERRADO COUNTY.

Decided May 15, 1930.

Murder is the killing of any human being with premeditation, deliberation and malice aforethought and without legal excuse; or the killing of any human being by an act imminently dangerous to others, and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual.

Defendants were convicted of murder in the Circuit Court. On appeal to this Court, *affirmed*.

*N. H. Sie Brownell* for appellants. *The Solicitor General* for appellee.

MR. JUSTICE BEYSLOW delivered the opinion of the Court.

This was a case of murder tried in the Circuit Court of the First Judicial Circuit, Montserrado County, at its November term, 1929.

The said Hondor, Boymah Zu, and one Boigum are charged with having feloniously killed and murdered one Dwa Gbohbo near the town of Zopolo situated in the vicinity of Sasstown in the Toh Gola section of the Liberian Hinterland in the County of Montserrado, Republic of Liberia.

The indictment also charged Zopolo, Sr., and Zopolo, Jr., as accessories before the fact to the said murder; Momor and Jamor were also charged with being implicated in the murder as aiders and abettors.

Before the trial began, Boigum, one of the persons

charged as principals in the murder, died in prison. Jamor also died in prison before the trial and Momor was acquitted by the verdict of the petty jury.

The history of the case is substantially as follows: Sometime in the year 1929, the decedent Dwa Gbohbo, together with others of his fellow townsmen, was ordered to clean the public road. While thus engaged, Dwa Gbohbo struck Zopolo, Sr., his uncle, with a hoe handle. For this offense he was arrested and sent to prison in Monrovia; but in the act of being arrested, decedent cut his nephew Zopolo, Jr., in the side with a cutlass.

The said Dwa Gbohbo after staying in prison was released and he returned to his home.

The said Zopolo, Sr., and Zopolo, Jr., procured certain persons, to wit: Hondor, Boigum and Boymah Zu, to kill the said decedent and swore them on the "Karfu" to commit said murder.

Before the trial of the case, counsel for prisoners moved for severance in behalf of Momor, which being granted, Zopolo, Sr., Zopolo, Jr., and Boymah Zu were tried and convicted, but on motion, judgment was arrested in favor of Zopolo, Sr., the rest being convicted.

From the confession of prisoners, it appears that said decedent was brutally killed by said Hondor, Boigum, Boymah Zu and Jamor, who beat him on the head with clubs.

Witness Roberts testified that after prisoners had buried decedent, he had him disinterred. His head was rotten and burst to pieces and the brains were coming through his ears and nostrils. He further testified that Zopolo, Jr., confessed that he had asked Boigum, Hondor, and Boymah Zu to kill decedent, because he was afraid that decedent would kill him, and that the said appellants had confessed that they killed decedent.

Witness Jar Gay testified that when the prisoners were caught they made the following confession: Hondor was the first to hit decedent in the head with a club; he struck

him a second time, and then decedent fell down in the road. After doing this, Hondor called Boigum and Boymah Zu and they took him out of the road and carried him to a cassava patch and there they were when Momor came and they told him that he must come and do his part according to the oath they had taken and he was required to deal the last blow.

Then Hondor sent Boymah Zu to go and tell Zopolo, Jr., that the act which he had told them to perform was completed and that he must come and bring the cold water, and look at him. Then Zopolo, Jr., took two bottles of cane juice, and he and Boymah Zu went and upon his arrival, Zopolo, Jr., took the two bottles of cane juice and gave it to the perpetrators.

After he gave them the cane juice he told them that they had done very well and thanked them because they had won the case.

The evidence of Zopolo, Sr., tended to corroborate the evidence of Roberts and to prove the *corpus delicti*, that is, the death of decedent and guilty agency of appellants.

Murder is defined in the Revised Statutes as the killing of any human being with premeditation, deliberation and malice aforethought and without legal excuse; or the killing of any human being by an act imminently dangerous to others and evincing a depraved mind regardless of human life, although without any premeditation or design to effect the death of any particular individual.

From the consideration of the evidence in the case at bar, it is obvious that the killing of decedent was planned by Zopolo, Jr., with deliberation and the murder was committed by the other appellants in such manner as evinced a depraved mind regardless of human life.

In view of the foregoing we are of the opinion that the judgment of the court below should be affirmed, and it is so ordered.

*Affirmed.*