

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2023

BEFORE HER HONOR : SIE-A-NYENE G. YUOH.....CHIEF JUSTICE
BEFORE HER HONOR : JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : JOSEPH N. NAGBE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABAASSOCIATE JUSTICE
BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE

Rocky Marshall of the City of Monrovia,)
Liberia..... Appellant)
Versus) APPEAL
Republic of Liberia by and thru Eddie Kojo)
Ledlum, Administrator of the Intestate Estate)
of Solomon Edward and Edwin S. Boimah, Sr.)
of the City of Monrovia, Liberia.....Appellee)

GROWING OUT OF THE CASE:
Republic of Liberia by and thru Eddie Kojo)
Ledlum, Administrator of the Intestate)
Estate of Solomon Edward and Edwin S.)
Boimah, Sr. of the City of Monrovia, Liberia) Crime (s): Criminal
.....Plaintiff) Conveyance/Forgery
Versus)
Rocky Marshall, Jimmy Banks, Y. Esther Tamba)
Jerry Richards and others to be identified of)
the City of Monrovia, Liberia.....Defendants)

Heard: April 5, 2022 Decided: February 7, 2024

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

This is an appeal filed by Rocky Marshall (Appellant), from a judgment entered by the First Judicial Circuit Court, Criminal /ssizes "C" of Montserrado County against him. Appellant Rocky Marshall claims that the evidence adduced against him were not sufficient to warrant a conviction for the crime of Criminal Conveyance of land and forgery, and that Criminal Conveyance cannot lie against him because he and the private prosecutor, the Intestate Estate of Solomon Edward, were parties before the Civil Law Court for an action of ejectment for the same property and the case is currently before the Supreme Court on appeal, pending

a determination; also, the weight of the evidence adduced at the trial did not support the verdict of the jury.

This Court takes judicial notice that the appeal in the ejectment case referenced by the appellant Rocky Marshall in his bill of exceptions was decided by this Court on December 19, 2023, and in that Opinion, the Court affirmed the judgment of liable in ejectment against the appellant and ordered he be ousted and evicted from the said property. The ejectment case having been disposed of, this Court is now poised to probe the merits of the instant appeal to determine whether the evidence support the guilty verdict rendered against the appellant.

Our review of the records reveals that based on the instigation of Mr. Eddie Kojo Ledlum, Sr., the Administrator of the Intestate Estate of Solomon Edward and Edwin Boimah, Sr., on Thursday, May 31, 2018, the appellant, Rocky Marshall, was arrested by the Liberian National Police and taken in for investigation for the crime of Criminal Trespass. He was thereafter charged with the crimes of forgery, tampering with public records and theft of property. Based on the police conclusion, the appellant was forwarded to the Justice Ministry which conducted further investigation, and thereafter, an indictment was drawn against him and several other defendants on December 31, 2018, charging them with the crimes of Criminal Conveyance of Land and Forgery. The indictment reads:

" Count 1

That the Grand Jury for Montserrado County, Republic of Liberia, upon their oath do hereby find, more probably than not that the defendants Rocky Marshall, Jimmy Banks, Y. Esther Tamba, Jerry Richards and others to be identified, committed the crime of Criminal Conveyance of Land, a felony of the Second Degree, to wit:

1. That, between the periods of June A.D.2016 up to and including January A.D. 2018, in the area of Virginia Township, Montserrado County, Republic of Liberia, the defendants, Rocky Marshall, Jimmy Banks, Y. Esther Tamba, Jerry Richards and others to be identified, with criminal intent, committed the crime of Criminal Conveyance of Land.
2. That, the private prosecutor, Eddie Kojo Ledlum, is administrator of the intestate estate of late Solomon Edward that owns 5 acres of land with valued of US\$70,000.00. That, between the periods mention herein, Co-defendant Rocky Marshall being in the know of the rightful ownership of said land, designed and developed a scheme, fraudulently obtained a fake title deed for the 5 acres. Thereafter, proceeded on same and began to gradually sell to Co-defendants Jimmy Banks, Y. Esther Tamba and others to be identified, there and then, the crime of criminal Conveyance of Land, Co-defendant Rocky Marshall did do and commit.

3. That, Co-defendants Jimmy Banks, Y. Esther Tamba and others to be identified (buyers), with criminal minds and intent, as well as without being privileged and license to show legitimacy over said private prosecutor, Eddie Koko Ludlum's 5 acres of land, entered same on the above years, place and conspired, connived, and bought portion of the land from Co-defendant Rocky Marshall. That, Co-defendants, Jimmy Banks, Y. Esther Tamba and others to be identified (buyers), were informed as to the ownership of said property, and knowing fully well that the Co-defendant Rocky Marshall (seller) was not the rightful owner of said property, instead acquire the properties without regards to the law of Criminal conveyance of land.
4. That, the Co-defendant Jerry Richards (surveyor to identified), without being licensed and without authorization and public notice, conspired and connived with Co-defendant Rocky Marshall, surveyed and sold the said properties to Co-defendants, Jimmy Banks, Y. Esther Tamba and others to be identified (buyers), without the will and consent of the private prosecutor; thereby, depriving him of the gainful use of his land. There and then the crime of conveyance of land the Co-defendants did do and commit."

Criminal Conveyance of Land

5. A person is guilty of criminal conveyance of land, a felony of the second degree if he/she conveys to another through sale, gift or mortgage or lease, a parcel of land that he/she had no title to by purchase, gift or inheritance evidenced by a deed, traceable to the Republic of Liberia, from the lawful owner or by any other law means.
6. A person is guilty of third-degree felony if he knowingly purchases a parcel of land which he knows or have reason to know does not belong to the seller or is being criminally conveyed.
7. A surveyor who encourages, persuades, surveys, uses his influence or in any other way participates or conspire with anyone in the sale or purchase of a parcel of land knowing or being in the position to know that the seller of such land has no lawful title is guilty of first-degree felony punishable by both a fine to be determined by a court of competent jurisdiction, and a prison term of not less than ten years.
8. A surveyor who surveys a parcel of land without a notice to all adjoining property owners, consistent with existing law, regulation or executive order or procedure, is guilty of a felony of the third degree.
9. A District Commissioner, Land Commissioner, City Mayor, Township Commissioner, or any other local government official, or a person charged with the responsibility to archive land deeds and records, or traditional chief, elder, or any other person holding a powerful traditional position, who abuses his/her authority to unduly influence or compel an individual or group of individuals to convey a parcel of land or any portion thereof, knowing or being in position to know that the land so conveyed belongs not to the person or persons conveying same or knowing or being in the

position to know that without the use of such influence or compulsion a conveyance of said land is not possible is guilty of a felony of the second degree.

10. A legislature or a person holding a national level position such as a minister, deputy minister, director general, any ranking officer of a law enforcement agency, or any other public official or law enforcement officer who abuses his/her office by influencing or compelling the conveyances of a parcel of land, knowing or having reason to know that without the use of such influence or compulsion a conveyance of said land is not possible is guilty of a second-degree felony.

Count 2

That, the defendant Rocky Marshall, committed the crime of fraud, misdemeanor of the first degree, to wit:

11. That, between the periods of June A.D. 2016, up to and including A.D. 2018, in Virginia Township, Montserrado County, Republic of Liberia, the defendant, Rocky Marshall, willfully and intentionally committed the crime of fraud.
12. That, on the date and at the place mentioned, the defendant Rocky Marshall, designed and developed a scheme, with the intent to sell private prosecutor's Eddie Kojo Ledlum's 5 acres of land, forged the signature of the Clerk of the Monthly and Probate Court, Edwin S. Boimah, Sr., and the seal of the court. That, the defendant, Rocky Marshall having forged the Clerk's signature, the defendant began to sell the said properties to Jimmy Banks, Y. Esther Tamba and others to be identified (buyers)

Fraud

13. A person is guilty of fraud, if he
 - (b) knowingly makes an opportunity for any person to defraud the Government of Liberia or another.
 - (c) Does or omits to do any act with the intent to enable another to defraud the Government of Liberia.
14. To forge or to counterfeit writing means to make false, complete, or alter the writing and a forged or counterfeited writing is a writing which has been falsely made, completed or altered. The terms forgery and counterfeiting and their variants are intended to be synonymous in legal effect.
15. That, the defendants' act is contrary to: 4LCLR, Title 26, section 15.83 (d); and 4 LCLR, Title 26, section 2.2 (a) (b) and (c); and 4LCLR, Title 26, section 15.73 (g) and the peace and dignity of the Republic of Liberia.

On Monday, February 18, 2019, when the case was called for hearing, the prosecution made a request for a separate trial for appellant Rocky Marshall and exercised its right granted to it under section 18:1, 1 LCLR, title 11 (Criminal Procedure Law) (1973) by filing a motion to *nolle prosequi* the Co-defendants Jimmy Banks and Y. Esther Tamba. The court granted the

separate trial prayed for by the prosecution and also granted the *nolli prosequoi* in favor of co-defendants Jimmy Banks and Y. Esther Tamba and dismissed the indictment against them.

The appellant Rocky Marshall was arraigned and he pleaded not guilty to the charges contained in the indictment, thereby joining issue the state. Thereafter, a trial jury was duly selected, sworn and impaneled and the state set out to prove its case of criminal conveyance of land and forgery against the appellant by the production of evidence.

At the conclusion of the trial, the jury returned a unanimous verdict of guilty against the appellant for the crimes of criminal conveyance and forgery. The trial court confirmed the jury verdict and sentenced the appellant to three (3) years imprisonment.

The appellant, being dissatisfied with the trial court's ruling, announced an appeal to the Honorable Supreme Court, asking the Court to reverse the decision of the lower court. To support his appeal for reversal of the lower court's ruling, the appellant submitted a twenty-five-count bill of exceptions for the Supreme Court's review.

In proceeding to examine the assignment of errors the appellant has outlined in his bill of exceptions, we shall endeavor to pass only on the issue we deem relevant to the disposition of the case, guided by an established principle of law in this jurisdiction that the Supreme Court has no legal obligation to pass on every issue raised in the bill of exceptions or contained in the briefs; that it is the province of the Supreme Court to pass only upon those issues it deems meritorious and germane to the controversy and are justiciable. *The Liberian Company (LIBCO) v. Collins*, 36 LLR 828, 831 (1990); *Lamco J.V. Operating Company v. Verdier*, 26 LLR 445, 448 (1978); *Darpul et al v. Judge Williams et al*, Supreme Court Opinion, 2013.

The key theme of the appellant's bill of exceptions is that the jury verdict and the judgment rendered thereon are in contrast to the evidence adduced at trial by the parties. In this light, we shall critically peruse the evidence presented by the parties during the trial of the case to determine whether the jury's verdict and the judgment rendered thereon are in harmony therewith.

The records certified to us show that during the trial of the case, the State produced the following witnesses to prove its case of criminal conveyance of land and forgery against the appellant. The State first witness, Eddie Kojo Ledlum, the private prosecutor and administrator of the intestate estate of Solomon Edward which property was alleged to be fraudulently conveyed, took the stand and testified that the late Solomon Edward owned five acres of land in lower Virginia, Montserrado County, which was criminally sold by the

appellant Rocky Marshall. The witness stated further that it was in 2013 when the then Commissioner of the Township of Virginia informed him that the appellant had encroached upon the estate's property and had begun selling same to unknown individuals; that he filed a complaint against the appellant before the Clay Ashland Magisterial Court; that the appellant continued to sell the property even when the Civil Law Court decided an ejectment action regarding the property against the appellant and in favor of the private prosecutor. The witness stated that in 2017, an investigative survey was ordered by the Associate Magistrate of the Clay Ashland Magisterial Court for several properties in Central Virginia, including the 5-acres of land owned by the Intestate Estate of Solomon Edwards as well as the 3-acres which the appellant claimed to own; that during the survey, all other property claimants presented their original title deed to the investigative team, but the appellant presented no title deed; that the appellant insisted that the survey proceeds without his deed, but the witness and the other claimants insisted that the appellant presents his deed before the conduct of the survey; that the survey was cancelled and rescheduled, and on the day of the rescheduled survey, the appellant produced a photocopied deed which had no page number or volume number; that the survey was not conducted because the surveyor wrote the Associate Magistrate informing him that the appellant's deed was defective because it contained no volume or page number. The witness stated that when he previously complained the appellant to the County Attorney of Montserrado County for criminally selling property belonging to the estate of Solomon Edward, the appellant presented a photocopied deed to the County Attorney Office which was investigated and the Archive issued a letter of non-discovery, stating that the deed was not registered in the records. Subsequently, the appellant presented another deed which contained no page or volume number as the basis of his claim to the property; that the appellant used these two fraudulent instruments to convey properties not belonging to him to third parties.

The State second witness, Jimmy Banks, who purchased land from the appellant, testified that in 2016, he purchased a portion of the property from the appellant; that while constructing on the land, he received a citation from Criminal Court "B", ordering him to stop and to report to the court; that when he went at the court, the judge inquired from him as to who conveyed the property to him, and he answered that it was the appellant; that the judge requested that he presents his deed to the court; that on the following day, when he reported to the court, the judge told him that the deed is fake. The witness stated further that when he informed the appellant about what had happened, the appellant told him that he (appellant) had been in court with the private prosecutor concerning the property; that the appellant subsequently promised to refund the money paid by the witness for the land.

The State, upon application to the court, subpoenaed the Registrar of Deed and Title at the Liberia Land Authority, Josephine L. Benson to testify to the letter of non-discovery issued by the Land Authority against the title deed relied on by the appellant. Madam Benson testified that in 2016, she received a communication from the County Attorney of Montserrado, requesting her to authenticate the appellant's title deed; that she instructed her research staff to search for the instrument, and upon conducting the search, the deed was not found in the records of the Liberia Land Authority.

The State also had the court subpoena land surveyor, Sam G. Paye, and he testified that in 2010, he conducted a survey of the Solomon Edward estate 5-acres of land, and that after the survey, cornerstones were erected on the four corners of the property; that subsequently, in 2016, he was again hired to do another survey, and during the survey, the team found a cornerstone of Solomon Edward and used it to conduct the survey.

The State had the Clerk of the Probate Court, Mr. Edwin S. Boima subpoenaed to testify to the veracity of a Clerk Certificate issued under his name regarding the title deed issued by the appellant to Jimmy Banks. Mr. Boima testified that in 2016, the deed issued by the appellant to Jimmy Banks was sent to him with a request for him to authenticate whether the seal of the probate court and the signature of the clerk of the probate court appearing on said deed are genuine. He said that upon inspecting the deed, he realized that the seal appearing thereon was not that of the Probate Court, and that the signature purporting to be that of the clerk was not his signature. He therefore issued the Clerk Certificate to that effect.

Based on the request of the state, Rev. John Saah W. Nyonkor, Sr. was subpoenaed by the court to testify. He essentially narrated that he was invited by Jimmy Banks and Hawa Tama Y. Esther Tamba to witness a land transaction between them and the appellant and that he was present when payments for one lot of land were made to the appellant.

The State next subpoenaed witness was Chief Superintendent of the Crimes Services Department, Selay Y. Ballah. He stated that in 2018, the private prosecutor filed a complaint before the Crimes Services Division of the Liberian National Police against the appellant, stating that he and the appellant were involved in a land dispute which was before Criminal Court 'B' and that the judge of that court has placed a stay on the two parties from entering on or carrying out any activity on the land; that contrary to the judge's order, the appellant had gone ahead and sold portion of the property to third parties; that the private prosecutor presented to the police a copy of the deed issued by the appellant to the persons to whom he had sold portion of the disputed property; that upon receipt of the deed, the police contacted the Clerk of the Probate Court to authenticate whether the signature on the deed was the

clerk's signature and whether the probate court seal and stamp on the deed were genuine; that the police also contacted the surveyor, Buku Mulbah, whose name is indicated on the deed to establish whether he actually surveyed the land prior to the appellant conveying same. The witness stated that the Clerk of the probate court responded that the signature on the deed as well as the court's seal and stamp were all not genuine; also, surveyor Buku Mulbah responded that he doesn't know the appellant and have never surveyed any land for him. The witness said that when it was established that the name of the surveyor on the deed did not conduct any survey for the appellant, the said appellant later told the police that the property was surveyed by another surveyor named Jerry Richards, and he promised to produce the said Jerry Richards to the police the following day. On the following day, however, the appellant informed the police that surveyor Jerry Richards had died two (2) days earlier.

With the permission of the court, the defense did a deposition of surveyor Buku Mulbah who affirmed and confirmed that he does not know the appellant and had never conducted a survey on his behalf on any property located in the township of Virginia.

When the state rested with the production of evidence, the defense commenced the presentation of its case to the trier of facts, and presented the following witnesses.

The defense first witness was the appellant himself. The substance of his testimony is that he is the owner of three acres of land located in the township of Virginia, and that the land was purchased in 1973 by his father and was purchased in the name of him and his father; that he has been in possession of the property since it was purchased by his father; that it was not until 2013, when the private prosecutor began to claim ownership of the property; that the private prosecutor owns no land in Central Virginia as his deed shows a property located in lower Virginia. The witness challenged the authenticity of the survey alleged carried out in 2010 by surveyor Sam G. Paye for the private prosecutor, and also denied that the deed issued by him to third parties, specifically to Jimmy Banks and Y. Esther Tamba, for portion of the property was fraudulent. The witness stated further that the property sold by him to Jimmy Banks and Y. Esther Tamba was surveyed by Jerry Richards who was the surveyor for the township of Virginia; however, the name indicated on the deed as the surveyor is Buku Mulba, because according to the witness, surveyor Jerry Richards died after the deed was submitted to him. The witness stated that the private prosecutor had previously filed a complaint against him before the office of the County Attorney for Montserrado County, but that the investigation into the complaint was dismissed because the case was already before the Clay Ashland Magisterial Court and that another investigation against him was also dismissed by the County Attorney Office.

The court, based on the defense request, subpoena Magistrate D. Ezekiel Kun, Sr., who once served as magistrate of the Clay Ashland Magisterial Court. The Magistrate testified that while serving as magistrate in Clay Ashland in 2013, the private prosecutor, representing the Dangerfield estate, filed a criminal action against the appellant for theft of property, criminal mischief and criminal trespass; that when the case was called, both parties presented title deeds, and in accordance with law, the case was not heard as the parties were told to pursue the matter at the appropriate forum.

The defense second subpoena witness, Miatta H. Flower, who had served as Commissioner of the Township of Virginia from 2015 to 2018, was placed on the stand to state whether Jerry Richards whom the appellant alleged was the township's surveyor was actually a surveyor. She testified that during her tenure as commissioner of the township of Virginia, John Richards was introduced to her one year prior to his death; that the said Jerry Richards was never employed at her office; that Jerry Richards only used to assist her in driving her children to school.

The defense last subpoena witness, Josephine L. Benson, Registrar of Deeds and Title of the Liberia Land Authority was subpoenaed to produce the ledger that contained the information about the appellant's title deed believed to be recorded in Volume 112.74, Page 105 of the archives. The witness stated that the Liberia Land Authority did not receive volume 112.74 from the Ministry of Foreign Affairs when the archives was transferred; that the said Volume may have probably been torn up in pieces.

When the defense rested with the production of evidence, the state, based upon notices to rebut aspects of the defense witnesses' testimonies, presented four rebuttal witnesses.

The state first rebuttal witness, Atty. A. Tamba Borie, the Assistant County Attorney for Montserrado County, was placed on the stand to rebut the portion of the appellant's testimony in which he denied that he was summoned by the County Attorney Officer for investigation into a complaint between him and the private prosecutor, and the portion of his testimony in which he denied that he was forwarded to the County Attorney office by the judge of Criminal Court "C" for investigation. The witness stated that contrary the appellant's testimony, he (appellant) and the private were forwarded to County Attorney Office by the judge of Criminal Court "C" in 2016 for investigation and an indictment if need be; that the appellant was cited twice but refused to appear and appeared only after being summoned; that when he appeared, he presented his deed to the Office, and the deed was sent to the National Archives for authentication and the national archive subsequently issued a letter of non-discovery regarding the appellants deed.

The state second rebuttal witness, Y. Esther Tamba, one of the persons to whom the appellant conveyed portion of the property subject of this case, appeared to rebut the appellant's statement that she was given the deed to the property which she purchased from the appellant. The witness stated that since she purchased the property from the appellant, she has not seen the title deed because the deed was given to her pastor and it remained in his possession until the commencement of the instant case.

The state third rebuttal witness, Rev, John Saah W. Nyorkor, Sr., one of the buyers of the land was placed on the stand to rebut the appellant's statement that when buyers paid for portion of the property, the fees for the surveying of the land was paid to the surveyor John Richards and that the probating was done by the buyer. The witness said that when he purchased a lot of land from the appellant, he (the witness) paid the fees for the survey of the land and the probating of the deed to the appellant; that he was only shown the land by the appellant and told to commence construction on the land.

The state fourth rebuttal witness was the private prosecutor Eddie Kojo Ledlum, rebutted the appellant's statement that Jerry Richards who was the surveyor for the township of Virginian conducted the survey of the property for the appellant and then took the survey report to Buku Mulbah to signature. The witness stated that Jerry Richards was not a surveyor, but rather the private driver of the former Commissioner of the township of Virginia; that Buku Mulbah himself testified by deposition that he only signed survey report from licensed surveyors; hence, Buku Mulbah could not have signed a survey report from Jerry Richards because the said Jerry Richards was not a surveyor.

It is from the above testimonial evidence and the documentary evidence in support thereof presented in the court below that provided the basis for the jury's verdict of guilty against the appellant and the affirmance of said verdict by the trial court. The question is, does the evidence adduced in the case support the verdict and the judgment rendered thereon? We answer in the affirmative.

Chapter 15, subchapter B, section 15.21 (4) of the Penal Code, referred to as the Criminal Conveyance of Land Law, states that a person is guilty of criminal conveyance of land, a felony of the second degree if he/she conveys to another through sales, gift, mortgage or lease, a parcel of land that he/she has no title to by purchase, gift or inheritance evidenced by a deed, traceable to the Republic of Liberia, from the lawful owner or by any other lawful means. Under the criminal conveyance law, it is not an affirmative defense that at the time of the conveyance the seller did not know that he/she did not have lawful title to the property conveyed. The penalty prescribed by the law for the commission of the crime of criminal

conveyance of land is imprisonment for a prison term of not more than five years and restitution of an amount equivalent to double the gain received from the criminal conveyance for the first offense; for a repeated offense, the punishment is mandatory five years imprisonment, restitution of an amount equal to double the gain received from the criminal conveyance and no right of parole or probation.

The wordings of the statute indicate that prior to conveying a piece of land, the conveyor should not only harbor the mere belief that he is the actual owner of the land, but he must also ensure that his ownership is so well grounded in law that it cannot be assailed. If he relies on a title instrument to convey a piece of land, such title instrument must be thoroughly authenticated by him so as to remove shred of doubt. The punishment regime of the criminal conveyance law underscores the seriousness with which the legislature intended to address the menace of multiple sales of land by individuals who have no real title and who are consciously and purposefully engaged in defrauding unsuspecting buyers of land. The language of the statute directs the courts to employ, as the circumstances dictate, the most stringent punishment which would achieve the objective of the law, that is, discourage and/or eliminate the scourge of criminal conveyance in land matters.

In this case, the evidence overwhelmingly established that the appellant purposefully and knowingly employed a fraudulent scheme to convey land which he knew did not belong to him or for which he possessed no genuine title deed. To achieve this fraudulent scheme, the appellant prepared and issue deed for land, indicating on said deed that the property was surveyed by one Jerry Richards even though the appellant knew that the said John Richards was not a surveyor during his entire life. The appellant own witness, Miatta H. Flower, former Commissioner of the township of Virginia, testified that Jerry Richards whom the appellant said surveyed the land that he sold to buyers was not a surveyor, rather, he was her driver who carried her kids to school. This was the individual the appellant referred to as the surveyor of the township of Virginia. As if this was not enough, the appellant also employed as a further strategy, the placement of the names of other surveyors on deeds issued by him under the pretext that these surveyors signed survey reports for properties belonging to him. One of such surveyors whose name was fraudulently indicated on the deed issued by the appellee in this case was Buku Mulbah. He deposed that he never conducted a survey on behalf of the appellant, and did not know appellant. This testimony was corroborated by Police Officer Selay Y. Ballah who testified that Buku Mulbah was contacted by the police and asked whether he signed the deed issued by the appellant, and he answered that he does not know the appellant and had never conducted a survey for him. These testimonies show that the appellant knew that he was engaged in a fraudulent enterprise of conveying land which

belonged to others, but yet he continued to pursue and benefit from such criminal enterprise at the peril of unsuspecting victims. What is even more disingenuous about the appellant's conduct is that he conveyed portion of the property, subject of this case, at the time when the property was subject of an ejectment action between him and the intestate estate of Solomon Edward, represented by the private prosecutor. It was during the pendency of that case that the appellant conveyed portion of the property to Jimmy Banks in 2016. This demonstrates the appellant's disregard for the rule of law, and underscores his habit of conveying property even if he knows that title to same is not fully vested in him.

It is important to note that the purported title instrument of 1973 which the appellant relied on to commence his criminal dealings has been declared invalid by the Civil Law Court and the decision of the court was upheld by the Supreme Court in an Opinion delivered on December 19, 2023. Thus, it was judicially settled that the property does not belong to the appellant, thereby making the conveyance of said property by the appellant criminal and punishable by law.

In this case, the records show that the state proved that the appellant committed forgery in transferring properties that were not his. The Clerk of the Probate Court, Mr. Edwin S. Boima, testified to the Clerk's Certificate issued by him, affirming that the signature on the deed issued by the appellant was not his signature and also that the seal of the Probate Court appearing on the deed was not genuine. This evidence was not rebutted by any of the appellant's witnesses. Attorney A. Tamba Borie, the Assistant County Attorney for Montserrado County, stated in his rebuttal testimony that the County Attorney Office requested the appellant's deed and subsequently forwarded it to the National Archives and the Probate Court for authentication since the face of the deed raised concern about its genuineness; that the National Archives issued a letter of non-discovery of the appellant's deed.

Section 15.70 of Subchapter E of the Penal Code states that a person has committed forgery or counterfeiting if, with the purpose of deceiving or harming the government or another person, or with knowledge that he is facilitating such deception or harm by another person, he

(a) Knowingly and falsely makes, completes or alters any writing or subject;

(b) Knowingly utters or forged or counterfeited writing or object.

The evidence produced by the state demonstrates the egregious length at which the appellant is willing to go in pursuit of his illegal conduct of criminally conveying land. Not even the courts of the land are spared in the appellant's arsenal of illegal maneuverings to exert ownership

over and dispose of land for which he possesses no title. The appellant's actions in perpetrating fraud on others for his personal gain shows no regard for the sanctity of the court and the rule of law. Clearly, the appellant conduct in knowingly writing the signature of the clerk of the probate court on the deed issued by him and thereafter inscribing the seal of the probate court thereon amount to forgery and counterfeiting as defined by the statute quoted supra.

It is the law in this jurisdiction that the jury is the trier of facts and is the judge of the weight and worth of evidence and the credibility of witnesses; that the sufficiency of evidence to prove the guilt, or any evidentiary fact relating thereto, is a matter within the province of the jury. *Exodus Wamah & Justice Dolo, Jr. v. Republic of Liberia*, Supreme Court Opinion, March Term 2022; *Ismael Kamara v. R.L.*, Supreme Court Opinion, October Term, 2021; *Living Counsellor et al. v. R.L.*, Supreme Court Opinion, October Term, 2008. The Supreme Court is warranted to overturn a jury verdict only when the verdict is against the weight of the evidence.

In this case, the evidence produced by the State overwhelmingly established the guilt of the appellant for the commission of the crimes of criminal conveyance of land and forgery, and the appellant's conduct in forging the signature of the Probate Court Clerk and the seal of the court being manifestly egregious, the verdict of the jury will not be disturbed. The final ruling is therefore upheld but with the modification that the term of the imprisonment is increased from three (3) years to five (5) years imprisonment.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the court below is affirmed but with the modification that the appellant serves a term of five years (5) instead of three (3) years. The Clerk of this Court is ordered to send a Mandate to the court below to resume jurisdiction and give effect to Judgment emanating from this Opinion. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLORS THOMPSON N. JARGBA AND TOMMY DOUGBAH APPEARED FOR THE APPELLANT. COUNSELLOR BOAKAI E. HARVEY OF THE MINISTRY OF JUSTICE APPEARED FOR THE APPELLEE.