

IN THE HIGH COURT OF SIERRA LEONE
HOLDEN IN FREETOWN
CRIMINAL JURISDICTION

THE STATE

VS

JOHN MANOR SESAY

BEFORE THE HONOURABLE JUSTICE MIATTA MARIA SAMBA
DATED THE 24TH DAY OF MAY 2017

Counsel:

A.J.M. Bockarie Esq for the State
Legal Aid Board for the Accused

1. The accused person was charged on a 1 Count indictment dated the 9th day of June 2015 for the offence of murder contrary to law. The Prosecution's case is that the accused John Manor Sesay, on the 28th day of September 2014 murdered David Kargbo. The matter was first mentioned by this Court on the 3rd day of September 2015. On the 6th day of November 2015, by an application made by the Prosecutor pursuant to Section 148(1) of the Criminal Procedure Act No. 32 of 1965, hereinafter referred to as the CPA 1965, the indictment hereinbefore referred was amended for the Statement of Offence to read 'Manslaughter' instead of 'Murder'. On the 13th day of November 2015, by an application made by the Prosecutor pursuant to Section 144(2) CPA 1965 as repealed and replaced by Section 3 of the Criminal Procedure Amendment Act No. 11 of 1981, it was ordered that the accused be tried by Judge alone instead of by Judge and jury.

1.1. I am mindful of the fact that an accused is entitled to an acquittal if there is no evidence direct or circumstantial, establishing his guilt. I have cautioned myself that all doubts must be resolved in favour of the accused person. I shall now proceed to evaluate the law and evidence before me.

1.1.1. I thank the Prosecutor for prosecuting this matter and for submitting a final address on behalf of the State on Thursday, 18th March 2017. I also thank Mrs. Cheryl Sembie, who on behalf of the accused only yesterday, the 23rd day of May 2017. Even though I read and took into consideration all the contents of both addresses, I take this opportunity to urge especially defence Counsel again to treat with seriousness the case of litigants who solicit the services of the Legal Aid Board because they could not afford the services of private Practitioners.

2. The law

2.1. The *actus reus* of manslaughter is unlawfully killing of a human being under the Queen's peace. The *actus reus* of constructive manslaughter also requires proof that the killing was caused by an unlawful and dangerous act. The *actus reus* of manslaughter by gross negligence (another form of involuntary manslaughter) also requires proof that the accused's conduct fell so far beyond the standard to be expected of a reasonable person as to be judged criminal.

3. Before any question of the accused person's liability for manslaughter can arise, it must be established that he killed a 'reasonable creature'. A 'reasonable creature' according to Brooke, J, means a person (i.e., a human being) however deformed or disabled.¹

3.1. Any human being can be the victim of manslaughter with the exception of persons who are not 'under the Queen's peace', i.e., alien enemies killed in the actual heat and exercise of war and perhaps rebels who are at the time actually engaged in hostile operations against the State. For Sierra Leone, the words 'under the Queen's peace' would, pursuant to the Section 9 of the Interpretation Act of 1961 as replaced by Section 11 of the Interpretation Act of 1971 read, 'under the President's peace';

3.1.1. Manslaughter may be punishable even if the death is the outcome of an omission to act, rather than a positive act, provided the omission consists of a failure to perform a duty to act recognized by the criminal law. Proving the necessary intent in such a case is not easy. At common law, the death with which it was sought to charge the accused must be shown to have occurred within a year and a day of the infliction of the injury by which it is alleged to have been caused.²

3.1.2. The killing of another is unlawful unless it falls within one of the following categories of lawful homicide:

- a. Public of private defence, where the accused kills by using a reasonable force in self defence in prevention of a crime or in certain other similar situations.
- b. Misadventure-death is caused by misadventure where it results, by an accident not involving gross negligence, from the doing of a lawful act. Eg, where death results from a lawful act done in the course of lawful job.
- 3.1.3. To secure a conviction on a charge of manslaughter by killing by an unlawful and dangerous act, the Prosecution must prove:

1. The commission of an unlawful act by the accused.
2. That, that act was dangerous in the sense that it was likely to cause harm to another.

¹ *Rance v Mid-Downs Health Authority* (1991) 1 QB 587 at 621
² *Coke 3 Institutes 47*; *Dyson* (1908) 2 KB 454, CCA; *Inner West London Coroner, ex p De Luca* (1998) QB 249, DC.

3. That the unlawful and dangerous act caused death.

4. The Prosecutor has divided manslaughter into voluntary and involuntary manslaughter and has limited his address to involuntary manslaughter in the instant case which according to paragraph 2468 at page 907 of the 36th edition of Archbold is defined as 'where a man doing certain kinds of unlawful and dangerous acts not amounting to felony by accident kills another or where a man, by culpable neglect of duty imposed upon him, is the cause of death of another'.

4.1. An act is never criminally unlawful in itself. One of the things which is required to render an act criminally unlawful is that it should occur in those circumstances and/or lead to those consequences prescribed by law as constituting the *actus reus* of an offence. The Court of Appeal held in *Dias*³ that in the present context, unlawful means that the act has to be a criminal offence. This matter has been put beyond doubt by the House of Lords in Kennedy (No.2)⁴ where Lord Bingham, giving the opinion of the House said that: "To establish the crime of unlawful act of manslaughter it must be shown (1) that the defendant committed an unlawful act; (2) that such unlawful act was a crime.

4.1.2. Must the accused have the *mens rea* for the offence whose *actus reus* he has committed? The fact that the accused has committed the *actus reus* of an offence does not in itself make his act criminally unlawful. It only does so if the accused has the *mens rea* required for that offence.

4.1.3. In *DPP v Newbury*⁵ two teenage boys pushed part of a paving stone off a railway bridge as a train approached. The stone came through the window of the cab and killed the guard. The House of Lords, upholding the boys' conviction of manslaughter, held that a defendant is guilty of manslaughter if it is proved that he intentionally did an act which was unlawful and dangerous. Lord Salmond, with the other law lords concurring, held that a conviction for constructive manslaughter required proof of *mens rea* but that, as manslaughter was a crime of 'basic' as opposed to 'specific' intention, the necessary *mens rea* was simply 'an intention to do the act which constitutes the crime'. Lord Edmund Davies stated that 'what is required is no more than the intentional committing of an unlawful act of the designated type or nature'. In *Mitchell*⁶ it was held that for constructive manslaughter 'there must be an act which is unlawful' and 'the act must be intentional'.

Now that I have dealt with the legal requirement for the proof of manslaughter, I shall proceed to evaluate the testimony and evidence before the Court.

³ (2001) EWCA Crim 2986 p 9.
⁴ (2007) UKHL 38 p 7.
⁵ (1977) AC 500, HL.
⁶ (1983) QB, 741, CA.

5. Evidence analysis

5.1. PW1 was Detective Police Constable 10266, Abu Kanu. He recognized the accused as someone who was brought into police custody at the Criminal Investigations Department at the Ross Road Police Station on the 27th day of September 2014, on a charge of shooting with intent to murder. The matter being assigned to him for investigation, PW1 issued the complainant, Assistant Superintendent of Police, Senesi, a medical request form in duplicate on behalf of the deceased, David Kargbo, for examination and treatment.

5.1.1. Together with Woman Detective Constable 8500 Turay Y. PW1 interviewed the accused. He said the accused was first cautioned then questioned by Detective Constable 8500 Turay Y in Krio and that the accused made his responses in Krio which he recorded in English. He told the Court that at the conclusion of the interviews, the accused person's statement was read over and explained to him in Krio which he admitted to be true and correct by signing same in his own hand writing. No objection raised, PW1 tendered the accused person's voluntary caution statement (VCS) as Exhibit A1-12. He said the matter was thereafter transferred to the CID Head Quarters for further investigation.

5.1.2. In answer to cross-examination, PW1 told the Court that he did not visit the scene of crime and that immediately after his interview, the matter was transferred to the CID HQ for further investigation.

6. PW2 was Charles Bangalie who told the Court that he does not personally know the deceased David Kargbo but that he recognized the accused. He said on the 28th day of September 2014, whilst in bed between 11:00pm and 12:30am, he heard a loud sound like a big stone thrown at a kiosk. He went out of his home with a torch light to find out what the sound was about. He then saw the accused standing by a motor bike with a gun in his hand. The accused told him upon his enquiry that he had shot a thief. He could not locate the said thief in the direction pointed him by the accused so he went back home.

6.1. PW2 told the Court that he later heard, whilst in his room, voices saying the person who was shot had been seen so he went out of his house again onto the new road at Allen Town. He saw two police officers pointing up from where these police officers said the deceased had jumped. This piece of information is very vital to the accused testimony as I recall it and I shall make my comment in that respect later when I deal with the testimony of the accused.

6.1.1. PW2 told the Court that he saw the deceased sitting on the ground; that he asked him what the problem was and that the deceased told him he was not a thief and gave his address at Allen Town. The deceased asked PW2 to call his neighbours but PW2 hadn't a phone on him. He said he saw a wound on the chest of the deceased where he was shot. He left the deceased sitting on the ground as he left the scene.

6.1.2. In answer to questions put to him in cross-examination, PW2 reiterated what he said in chief and that he saw the accused playing with his gun. He could

not tell whether the accused was under the influence of alcohol. I must state that it is not the case of the accused that he was under the influence of alcohol or any drug when the fatal shot was made on that fateful day. I therefore wonder why Defence Counsel chose that line of cross-examination. He said the shooting happened on the old road, Allen Town. I must remind myself that the evidence is that the shooting happened on the old road but that the victim, now deceased was found on the new road, supposedly having left the area where he was shot. He told the Court that he has never heard about armed robbers in the area where he lives, which is, where the incident took place. As said, I shall relate the suggestion of the deceased being a thief to the testimony of the accused.

7. PW3 was Amadu Kamara. He told the Court that he lives in the same area as the accused at Allen Town and that he did not know the deceased. He said on the 28th day of September 2014, he heard a loud sound outside his house and the words 'thief thief'. He said he heard a gun shot but stayed in his kiosk. He said when he heard his neighbour's voice, i.e., PW2 he went out of his kiosk.

7.1. PW3 said he then saw the accused walking towards him and said that he was, attacked by a thief and that no one went to his rescue. He said the accused had no clothes on and had bites on his body. That must have been his observation but there is nothing in evidence to tell where or how the accused got the bites referred to by PW3. Even the accused has not said anything about bites in his testimony before this Court in addition to which PW3 did not say how he could have seen bites at the back of the accused at that hour of the night.

7.1.1. PW3 told the Court that later, he heard voices on the main road calling for help. He said he called the accused on his phone and told him about the call for help he heard from the highway. Police Officers went to the scene. He made a statement at the Ross Road police station.

7.1.2. In answer to cross examination, PW3 told the Court that the area where the incident took place is a bad area for criminal activities. He said he cannot tell whether the accused was drunk at the time the incident happened. I have made my comment in respect of that line of cross-examination. He said he cannot tell whether it was the accused who killed the victim. Well, there is no doubt that the accused died from a bullet from a gun in the hands of the accused.

8. PW4 was Detective Inspector of Police, Issa Saio Dumbuya who is the Crime Scene Officer at the CID HQ, Freetown. He said while on duty on the 7th day of October 2014, Detective Sergeant 1513 Kabba M.D requested that he helps with the postmortem examination by the Government Pathologist at the Connaught Hospital on the remains of David Kargbo formally of Berry Drive, Upper Allen Town. He said himself and Detective Sergeant 1513 Kabba M.D were present when the Pathologist conducted the postmortem on the said 7th October 2014. He took photographs during the postmortem examination which he developed and printed into pictures which he compiled into 11 photographs of the deceased. No objection raised by Counsel for the accused, the said photos were tendered as Exhibit B1-7.

8.1. In answer to questions put in cross examination, PW4 told the Court that he used a 35 millimeter focus digital camera to take snap shots of the deceased during the postmortem exercise. He said the date on Exhibit B1-7 was the correct date on which the photos were taken. He said the deceased was identified by one of his relatives to the Pathologist. He said the accused was not present when he took the photos. Was Counsel suggesting that Exhibit B1-7 reflected the wrong person with whom the accused had an interaction on that fateful night? I find no reasoning in Counsel's method of cross-examination.

9. PW5 was Memunatu Jalloh who identified the deceased as her husband of 13 years, who did business of running a bar and being a generator mechanic. She said the deceased use to have an ongoing construction work and another home at Allen Town and that he was at his bar till 10:00pm on the night he was. She told the Court that on the 28th day of September 2014 at about 1:00pm, not having heard from her husband, she called on his phone but the phone was not on. At about 2:00pm, she sent someone named Ratty to go check what was happening with her husband at Allen Town. Ratty returned at about 5:00 pm and told her that someone was shot over night; she went to the Ross Road Police Station with her husband's picture in hand which she showed to Police Officer Kande who confirmed to her that her husband was shot overnight and taken to the Emergency Hospital. She was still at the police station when she received a message that her husband passed from the gun shot wounds. PW5's testimony was unshaken under cross-examination.

10. PW6 was Detective Police Officer, Mohamed Dauda Kabbah. He told the Court that whilst he was on duty at the CID HQ on the 29th day of September 2014, the following were handed over to him by a personnel from the Ross Road Police Division for further investigation:

- a. Case and enquiry file of a murder allegation.
- b. One black Block 17 pistol and a magazine containing 16 rounds of ammunition.
- c. One black handle kitchen knife.
- d. One half length iron rod.
- e. One blue and grey coloured wind braker jacket.
- f. The accused.

10.1. He told the Court that on that same day, that is 29th day of September 2014, the accused led a team of detectives including himself and a Scene of Crime Officer, Sergeant 7931 Macmillan G.S, Assistant Superintendent of Police, John K. Sesay, to the scene of crime at Ojuku junction, Old Road. At the scene of crime, the accused explained to the team of detectives his position when the deceased appeared before him. He said the accused told the team that he introduced himself to the victim as an OSD Officer; that after the said introduction, the deceased proceeded to try and take the accused person's pistol. A struggle ensued between the accused and the deceased and the accused was overpowered by the deceased. How convenient a story, that an ordinary citizen, a civilian, will approach an OSD Officer and attempt to take a pistol from that Officer when that ordinary citizen and civilian will have no knowledge on the use

of a weapon. I find this very insulting to my logic and legal mind. We will get to see how that explanation does not tie with the evidence before this Court. PW6 told the Court that according to the accused, he then pulled his pistol and gave the deceased one gun shot. It can be seen that there is no story of the accused being a thief or who tried to jump over or from a wall.

10.1.1. PW6 continued his narration of what was said to the team of detectives when the incident was fresh on the mind of the accused. The accused had said that his pistol was attached to his trousers. I haven't commented on the accused person's testimony but his evidence, which I do not believe, is that his pistol was in his blue and grey wind breaker/jacket pocket and not attached to his trousers as he in fact told the police during investigations when the incident was very fresh on his mind. The accused then made a report to the Mayemi Police post about the incident.

10.1.2. PW6 told the Court that on the 3rd day of October 2014, together with Detective Sergeant 7931, Macmillan G.S, he contemporaneously interviewed the accused in Krio, having cautioned him in Krio. He said the accused responded to questions put to him in Krio which was recorded in English by Detective Sergeant 7931 Macmillan G.S. PW6 told the Court that at the conclusion of the interview, the statement was read over and explained to the accused, which content he confirmed to be true and correct and affixing his right hand thumb print. There being no objection raised by Counsel for the accused, the statement was tendered as Exhibit L1-14 and a charge statement as Exhibit M1-2. Both the Voluntary Caution Statement and Charge Statement of the accused were read out in open Court.

10.1.3. In answer to questions put in cross-examination, PW6 told the Court that when he visited the crime scene he did not find anything of police interest. He said he handed over the pistol and knife hereinbefore referred to the Exhibit Clerk for preservation. He did not recall seeing blood stains on the knife. He denied seeing any wounds on the back of the accused. He said though he observed a bite at the back of the accused he cannot recall the accused telling him he was stabbed in the back by the deceased. This observation is again crucial to the testimony of the accused that he sustained injuries to his back from the deceased. This witness has no reason to lie to the Court. If it were anything, he will protect the accused who himself at the time of the incident was his colleague of the Sierra Leone Police. He said the accused claimed the pistol but no one made claim to the knife and that finger print experts were not used to determine the accused person's finger print on the exhibits. Well, I must remind Defence Counsel that the accused has not denied that he owns the pistol concerned or that it was in his possession so that line of cross-examination is totally irrelevant.

10.1.4. With delays in tendering the exhibits in respect of the matter herein and in the interest of justice, the accused was granted bail on the 4th day of May 2016.

11. PW7 was Dr. Simeon Owizz Koroma who identified himself as the Chief Consultant Forensic Pathologist with the Sierra Leone Police and Head of Scientific Unit, Sierra Leone Police. He told the Court that on the 7th day of

October 2014, he caused an autopsy to be performed on the remains of the deceased, David Kargbo. He said he examined the body of the deceased internally and externally after which he reduced his findings into a postmortem report. No objection raised by Counsel for the accused, an original copy of the said Report was tendered as Exhibit C1-5. He tendered a medical certificate of the cause of death as Exhibit D, no objection being raised by Counsel for the accused. He said the distance in the instant case between the accused and the deceased when he was shot was about 20 feet which he described as a short distance. He said there was an entry and exit of the bullet in this case.

11.1. In cross-examination, Dr. Koroma told the Court that the main cause of death was acute haemorrhagic shock due to gun shot. On suggestion that the deceased may have survived had he been taken to a sophisticated hospital than the Emergency Hospital, PW7 told the Court that the deceased would have died anyway because the injuries he sustained were too much. He said he would have known if the deceased was involved in a struggle before his death by way of scratch wounds to his body of which he told the Court there was none. Rather, the instant case was a clean gun shot wound, which caused the death of the deceased, David Kargbo.

11.1.1. PW8 was Detective Police Sergeant 5630, Joseph Boima Lahai. He told the Court that on the 30th day of September 2014, whilst he was on duty at the CID HQ, Detective Sergeant 1513, Mohamed Kabba of the Homicide Department CID handed over to him certain exhibits including:

- a. Iron Road.
- b. A black handled knife.
- c. Wind braker.
- d. Glut 17 Ostral pistol with 16 rounds of live ammunition in its magazine.

11.1.2. He said he entered the said exhibits in the Register Court Book which since the remained in police custody. He said on the 15th day of January 2015, he tendered the above listed exhibits to at Magistrate Court No. 2 and RC No. 143/2014. These exhibits being in the custody of the Court since their being tendered at the Magistrate Court were identified and tendered by PW8 and marked as follows:

- a. Exhibit E-Iron rod
- b. Exhibit F-Black handled kitchen knife.
- c. Exhibit G-Ostral pistol.
- d. Exhibit H1-16-16 rounds live ammunition.
- e. Exhibit J-Magazine of the said Ostral pistol.
- f. Exhibit K Wind braker.

11.1.3. In answer to cross-examination, PW8 told the Court that the Exhibits E-K were tendered to him by Sergeant Kabba and that he does not know where Kabba got them from. He barely received them as Exhibits. Well, I must point out that the accused has not denied anything relating to the said exhibits. Of

importance, he identified Exhibits G, H, J and K that is the pistol, 16 rounds live ammunition, the magazine to the pistol and the wind braker.

11.1.4. The Prosecution closed the case on behalf of the State on the 2nd day of December 2016 and tendered, from the Bar the Committal Certificate of the accused person which was marked as N1-2. The accused person was then put to his election in compliance with Section 194(2) of the Criminal Procedure Act No. 32 of 1965 to wit:

- a. Make an unsworn statement from the dock and not be subjected to cross-examination;
- b. Make a sworn statement and be subjected to cross-examination and call witness(es);
- c. Rely on statement made to the police.

The accused person chose to testify on oath and call witnesses.

12. The accused entered his defence on the 8th day of February 2017 as DW1. He said on the 27th day of September 2014, as he left his office at Jui Arms Store for his home, he had a brake-down with his motor bike at about 12:30am. He said he was fixing his motor bike when he felt someone holding onto him from his back. He asked the person who that was but the person failed to identify himself. In his VCS, Exhibit L1-14 dated 3rd day of October 2014 at page 2, the accused told the police that as he stopped at the Reservation View Drive Junction to change the gear of his motor bike so as to enable him climb the hill, he saw a bright light pointing directly at him; he enquired who it was, on two separate occasions. The deceased answered 'na me', that is 'it is me' but the accused said he did not recognize the voice. In Exhibit A1-12 at page 4 thereof, the accused said as follows: "On my way going along a place called Corner Kick, I saw a bright object coming towards me. I halted him but he did not stop. The place was completely dark and I identified myself as a police officer, ... he rushed at me at once and we went on struggling...."

12.1. In answer to questions put to him in cross-examination, the accused confirms he is an OSD Officer entitled to carry arms and trained in the use of the 'Green Card Guidance' of which he said he is aware, fire arms must always be in a safe mode. He said the pistol he held on that day had an internal safety mode. There being no objection by Counsel for the accused, he tendered the Green Card Guidance for operating of fire arms as Exhibit O. He told the Court that on that fateful day, he had his pistol stock to his trousers, which confirms the accused person's testimony in Exhibit L1-14 and indeed as stated by Defence Counsel in the final address on behalf of the accused.

12.1.1. In further cross-examination on the 29th day of March 2017, the accused told the Court that his pistol which blew the fatal shot was in his grey and blue wind braker jacket as in Exhibit K. In his testimony before this Court on the 8th day of February 2017 and in his statement to the police, the accused had

maintained his pistol was stuck to his trousers. He identified Exhibit G, the pistol he referred to throughout his testimony.

12.1.2. The accused agreed with the Prosecutor that Exhibit G has no external safety button and that the safety button is in-built; he agreed the pistol will not discharge until the trigger is released. He referred to the space on the pistol for finger insertion and told the Court that the pistol has space for only one finger. He told the Court that after he was stabbed by the deceased, he took out his pistol from his wind braker and that the deceased held on to part of his pistol grip, that is under where the finger should be inserted; they struggled and the trigger went off. I have already made my comment in respect of there being no evidence not even by way of a medical report that the accused was stabbed in the back so I will discountenance that line of defence.

13. The evidence that the accused saw a bright light pointing at him must mean that the object was before him and not behind him. This is supported by his free narrative at page 8 of his VCS when he was asked, '... you were adjusting your gear position on the motor bike you were using ADM 881, the now deceased appeared before you and asked 'who are you'; The accused then told the police that the deceased held onto his throat so he was unable to shout for help. This piece of evidence is at complete variance with what the accused said to the Court in testimony that, he felt someone who failed to identify himself, holding onto him from his back.

13.1. He tried to protect his pistol on his side. He got into a struggle with the deceased who had a knife in his hand; the deceased stabbed the accused in his back as they continued the struggle. In his VCS, he told the police that he noticed that the deceased had a knife and that the deceased dropped the knife. He said it was during the struggle that his pistol went off and hit the deceased who ran down the road as he, the accused went up the road. Here is a trained armed officer whose pistol went off and injured a civilian; if indeed the deceased was a thief who attacked him as the accused would want this Court to believe, I would expect the accused to chase the so called thief, take him to the police station and make a report in compliance with the law.

13.1.1. He, the accused told PW2 that he had shot a thief. At page 10 of Exhibit A1-12, the accused confessed he cannot say for certain that the deceased was an armed robber. He said "To be very honest ... for the fact that he did not take my instructions and also armed with an object which resembles a knife, I believed he was an armed robber". I wonder what those instructions were that never came out in evidence from the accused. There is nothing in evidence to show that the accused was injured by the deceased with a knife nor was there any proof bite wounds on him. I cannot say that the so called knife was the property of the deceased. One would have expected that the accused will call his sister, Baby May Sesay whom he said he showed his injured body to testify on his behalf, at least to that effect. There is nothing in evidence to show any blood stained knife.

13.1.2. At page 9 of Exhibit L1-14, the accused told the police that before he was held by the deceased, the pistol was in safety mode and that it was during the

struggle that he got the pistol ready for use in self defence. He said he shot the deceased some two to three inches away on his right chest under his breast. He agreed with the police in Exhibit L10 that he was conscious at the time he released the gun shot and that he was relieved that one bullet had been let out. He then put the pistol again in a safety mode after its use.

13.1.3. The testimony of the State Pathologist, Dr. Owizz Koroma is that the distance between the accused and the deceased when the fatal shot was made was about 20 feet. Though the Pathologist described that distance as a short distance, it certainly does not support the accused person's testimony that his pistol went off during a struggle with the deceased. My understanding of the Pathologist's testimony is that the accused shot the deceased from a distance of about 20 feet.

14. The accused told the Court that he was entitled to carry firearms. I must state for the understanding of the accused that his entitlement to carry firearms does not give him the power to take the life of another human being who is protected by the law. We all have a right to life as provided for under the fundamental human rights as enshrined in Chapter 3 of the 1991 Constitution of Sierra Leone and indeed by international instruments like the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, ratified by the State, which said right cannot be taken arbitrarily. The deceased, the late Mr. David Kargbo is no exception to the enjoyment to the right to life.

14.1. It is my holding that the killing of the deceased, David Kargbo, a creature in being and under the President's peace, by the accused was not caused by misadventure as the evidence has shown. I hold that the accused, John Manor Sesay, intentionally committed an unlawful and criminal act which was dangerous in so far as it was likely to cause harm to the deceased and which said unlawful and dangerous act did in fact cause the death of the deceased, David Kargbo.

14.1.1. On the strength of the above analysis and applicable law, I find the accused person, John Manor Sesay guilty of the offence of manslaughter as charged on the amended indictment dated the 9th day of June 2015.

Hon. Jst. Miatta M. Samba, J