

CORRECTED AND ADOPTED

PRESENT: HIS HONOR FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
 “ HIS HONOR KABINEH M. JA’NEH,.....ASSOCIATE JUSTICE
 “ HER HONOR JAMESETTA H. WOLOKOLIE,.....ASSOCIATE JUSTICE
 “ HIS HONOR PHILIP A.Z. BANKS, III,.....ASSOCIATE JUSTICE
 “ HER HONOR SIE-A-NYENE G. YUOH,.....ASSOCIATE JUSTICE

WEDNESDAY, MAY 24, 2017

12TH DAY’S SESSION

The Honorable Supreme Court of the Republic of Liberia, sitting in its March Term, A.D. 2017, met this morning at the hour of 10:00 a.m., for the transaction of business with His Honor Francis S. Korkpor, Sr., Chief Justice, presiding.

OFFICERS OF COURT PRESENT.

COUNSELORS PRESENT: Sylvester D. Rennie, Emmanuel B. James, Edwin K. Martin, Molley N. Gray, Sr., Peter W. Howard, Jerry D.K. Garlawolu, Gartor Tate, Betty Lamin Blamo, Thompson N. Jargba and A. Kanie Wesso.

His Honor Francis S. Korkpor, Sr., ordered and the Marshal cried the opening of the day’s session. Thereafter, the Court was led in devotion by Rev. J. Joel Gould, Chaplain, Supreme Court of Liberia.

The correction and adoption of the minutes of Wednesday, May 16, 2017, 11th day’s session, was suspended.

THE CASE: IN RE: THE CONSTITUTIONALITY OF THE RATIFICATION OF THE FOREST MANAGEMENT CONCESSION CONTRACT FOR AREA “F” BY THE LEGISLATURE IN FAVOR OF EURO LIBERIA LOGGING COMPANY IS CALLED FOR HEARING.

REPRESENTATIONS: *“The petitioner is represented by Counsellors Peter W. Howard of the Barbu & Howard, Inc., Emmanuel B. James of the International Group of Legal Advocates and Consultants Inc., Sylvester D. Rennie of the Legal Watch, Inc., and Edwin K. Martin of the CEMAR Law Offices. One of counsels for petitioner begs leave of Court and requests Your Honors to make a submission after the notation of representations by Your Honors. respectfully submit” “The respondents are represented by the Ministry of Justice in association with the Sherman & Sherman, Inc., and present in Court are Counsellors G. Moses Paegar and Betty Lamin Blamo, Solicitor General, Republic of Liberia, who say that after the notation of representations by Your Honors, they have a submission to make. And respectfully submit”.*

THE COURT: *“The representations of the parties are noted. And the counsel for the respondents may now proceed to make their submission as requested.”*

SUBMISSION: *“At this stage, the Ministry of Justice prays Your Honors and this Honorable Court to grant the Government of Liberia time to file its brief, as the counsels for the respondents had some challenges in obtaining the original prohibition file from the Office of the Clerk. Counsel says that the Government of Liberia was not party to the original matter, and did not have records of the entire proceedings. Counsel says that though the respondent, Government of Liberia, filed returns, counsel just realized this morning from the minutes of the previous session, that the respondents should have filed both returns and brief in this case. Counsel therefore requests and prays Your Honors to grant continuance of this matter to enable the Government of Liberia file brief in this case. And respectfully submits.”*

Ques: What was the necessity of finding the prohibition file, since this case is *“In Re: The Constitutionality”*, and the matter before us makes no mention of a prohibition proceeding?

Ans: Your Honors, we had pleaded the prohibition proceedings in our returns, so we needed the prohibition file.

RESPONSE: *“One of counsels for petitioner says that the petitioner requested to make a submission to the effect that the counsels for the petitioner had just received a copy of respondents’ resistance and a motion to dismiss, and hence, counsel for petitioner would need time to respond to the motion to dismiss just filed by the respondents. With regards to the request for continuance, counsel for petitioner interposes no objection.”*

THE COURT: *“The Court notes the request for continuance made by one of counsels for respondents, and the response made by one of counsels for the petitioner. The Court says that it will have this case reassigned to another date. The parties are advised to file their responsive pleadings pending the assignment of this case. And it is hereby so ordered. Matter Suspended.”*

THE CASE: PATRICK KONUWAH ET AL OF THE CITY OF MONROVIA, APPELLANTS, VERSUS THE REPUBLIC OF LIBERIA BY AND THRU JFK MEDICAL CENTER, APPELLEE, ACTION: ECONOMIC SABOTAGE, THEFT OF PROPERTY, MONEY LAUNDERING, CRIMINAL CONSPIRACY, CRIMINAL FACILITATION, IS CALLED FOR HEARING.

REPRESENTATIONS: “Counsellor Thompson N. Jargba is in Court in obedience to the notice of assignment served on him to appear for the hearing of this case. Counsel begs leave of Court and requests Your Honors to make a submission after representations of the parties are noted. And respectfully submits”. “Counsellor Molley N. Gray, Sr. of the Jones and Jones Law Firm received a notice of assignment from this Court to appear on today for the hearing in this matter, and begs leave of Court to make a submission after representations of the parties are noted. And respectfully submits.” The appellee is represented by the Government of Liberia thru the Ministry of Justice, and present in Court are Counsellors Betty Lamin Blamo, Solicitor General, Republic of Liberia and Jerry T. K. Galawolu. Legal Counsel, Ministry of Justice. And respectfully submits.”

THE COURT: “The representations of the parties are noted, and Counsellor Thompson N. Jargba may now proceed to make his submission, follow by Counsellor Molley N. Gray, Sr.”

SUBMISSION: “At this stage, Counsellor Thompson N. Jargba begs to inform Your Honors that in compliance with a notice of assignment received from this Court, he appeared, and in this open Court he was served with a communication dated May 19, 2017, reminding him of the Supreme Court Rule regarding filing of brief. Counsel begs to inform Your Honors that he represented one of the appellants in the court below, but due to his suspension by this Honorable Court in July 2016, he did not participate further in this case, and does not know the status of the case.

Counsel therefore requests Your Honors to allow him time to get in touch with the party (Patrick Konowah) that he represented in the lower court, to inquire from him whether he still wants him(counsel) to represent him in this case now before the Supreme Court. And respectfully submits”.

The following questions were posed to Counsellor Thompson N. Jargba by the Bench:

Ques: Did you inform your client of your suspension?

Ans: Yes Your Honors.

Ques: After your suspension, did you get back to your client to inform him of the lifting of your suspension?

Ans: No Your Honors.

Ques: When you left the hearing at the lower court, who substituted you?

Ans: I do not know, Your Honors.

Ques: Has your client contacted you since that time?

Ans: No, Your Honors.

Ques: Do you personally know your client?

Ans: Yes, Your Honor.

Ques: Where does your client live?

Ans: I do not know, Your Honor, but I know where his elder brother lives.

Ques: Did you file any formal document with the court below informing it that you were no longer counsel in the case?

Ans: No, Your Honors, I did not do a formal withdrawal of my representations. I went to the judge and informed him of my suspension.

SUBMISSION: *“Counsellor Molley N. Gray, Sr., says that he received the notice of assignment for the hearing of this case on yesterday, and he immediately contacted his office, and found out that one of the lawyers, Atty. Molley N. Gray, Jr., had participated in the case at the lower court, and he, Atty. Gray informed him that the party he represented at the lower court entered a plea bargaining agreement with the State, and there was no appeal taken from the judgment of the lower court. Counsel requests Your Honors therefore to relieve the Jones & Jones of further representation in this case, since the Jones & Jones did not appeal the judgment of the lower court. And respectfully submits.*

Ques: Is the client still in jail?

Ans: I do not know, Your Honors.

RESPONSE: “At this stage, one of counsels for the appellee informs the Court that there were several defendants in the case at the court below, and some of the defendants pleaded guilty and began restituting the amounts they were involved with. The defendant represented by Jones & Jones Law Firm did not appeal the judgment. The only defendants that appealed the judgment of the lower court were Patrick Konowah, who was represented by Counsellor Thompson N. Jagba and Fahn Borbor, who was represented by Attorney Tommy Dogba of the Weah & Associate Law Firm. ”

THE COURT: “The request for continuance made by Counsellor Thompson N. Jargba for time to enable him get in touch with his client, is granted. The hearing of this case is hereby postponed to another date. And so ordered. Matter Suspended.”

THE CASE: WESLEY S. JLUE OF THE CITY OF MONROVIA, MONTSERRADO COUNTY, LIBERIA, APPELLANT, VERSUS REPUBLIC OF LIBERIA, BY AND THRU THE NATIONAL DRUG SERVICE (NDS) APPELLEE. ACTION: APPEAL, THEFT OF PROPERTY & FORGERY IS CALLED FOR HEARING.

REPRESENTATIONS: “The appellee is represented by the Republic of Liberia by and thru the Ministry of Justice and present in Court are Counsellors Betty Lamin Blamo, Solicitor General of the Republic of Liberia, and Jerry D. K. Garlawolu, Legal Counsel, Ministry of Justice. And respectfully submits.”

No Counsel appeared for the appellant.

The Chief Justice ascertained from the Clerk of Court as to whether there was any letter of excuse filed by the absent counsel. The Clerk of Court responded in the affirmative, and he, by order of the Chief Justice read the said letter of excuse, which letter indicated that because of his appearance before the Judiciary Committee of the Liberian Senate for confirmation hearing, Counsellor Scheaplor R. Dunbar, counsel for appellant, would be unable to appear before this Court.

THE COURT: “Mr. Clerk, you will do a letter to the appellant, Wesley S. Jlue, inviting him to appear in your office along with Counsellor Scheaplor R. Dunbar on Tuesday, May 30, 2017, and ascertain from him, who his new lawyer is, since Counsellor Dunbar has been appointed as a judge, and cannot continue with the legal representation of the appellant. This case is therefore postponed to be reassigned on a later date. And it is hereby so ordered. Matter suspended.”

There being no other matters to claim the attention of the Court, His Honor Francis S. Korkpor, Sr., Chief Justice, ordered Rev. J. Joel Gould, Chaplain, Supreme Court of Liberia, to give the benediction. The Marshal was ordered to adjourn the Court to meet subject to call. And said order was carried out.

Respectfully Submitted:

Atty. Sam Mamulu
ACTING CLERK, SUPREME COURT, R.L.