

**CORRECTED AND ADOPTED**

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
MARCH TERM, A.D. 2017

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

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TUESDAY, MARCH 21, 2017  
2<sup>ND</sup> DAY’S SESSION

The Honorable Supreme Court of the Republic of Liberia, sitting in its March Term, 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.

His Honor Kabineh M. Ja’neh, travelled.

OFFICERS OF COURT PRESENT.

COUNSELLORS PRESENT: Amara M. Sheriff, Molley N. Gray, Sr., B. Mulbah Togba, Sylvester D. Rennie, Roland F. Dahn, Emmanuel B. James, Viama J. Blama, Othello S. Payman, I., Taweh S. Johnson, J. Emmanuel Berry, Christine Sonpon Freeman, Jonathan Massaquoi, Denise Slokan, Powo C. Hilton and Peter Y. Kerkula.

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.

A motion for the correction and adoption of the minutes of Monday, March 13, 2017, 1<sup>st</sup> day’s session, The Opening Program, was made by Counsellor Molley N. Gray, Sr. of Jones and Jones Law Firm, and seconded by Counsellor Othello S. Payman, I., Legal Counsel, Liberia Anti-Corruption Commission.

The following corrections were made to the minutes of Monday, March 13, 2017, 1<sup>st</sup> day’s session, The Opening Program, by the Bench:

Page 1: *“JUDGES PRESENT: James E. Jones, J. Vinton Holder, Johannes Z. Zlahn, Roosevelt D. Willie, Chan Chan Paegar, Ceaineh C. Johnson, Richard S. Klah, Sr., and Comfort S. Natt.*

Page 2: *“The Minister of Justice and Dean of the Supreme Court Bar, Counsellor Frederick D. Cherue, and the President of the Liberian National Bar Association, responded to the Opening Address of the Chief Justice. Thereafter, the Liberia Premier Choral Society was called upon to render another selection...”*

THE COURT: *“With the corrections made by the Bench, the minutes of Monday, March 13, 2017, 1<sup>st</sup> day’s session, are adopted.”*

THE CASE: MIATA BEYSOLOW OF THE CITY OF MONROVIA, MOVANT, VERSUS, THE REPUBLIC OF LIBERIA BY AND THRU THE LIBERIA ANTI-CORRUPTION COMMISSION (LACC), RESPONDENT. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

REPRESENTATIONS: *“Movant is represented by Cooper and Togbah Law Offices in association with the International Law Group and J. Johnny Momoh Legal and Consultancy Chambers, and present in Court are Counsellors Jonathan Massaquoi, Amara Sheriff and B. Mulbah Togba. And respectfully submits.” “Respondent is represented as per records and present in Court are Counsellors Othello S. Payman, I., and Taweh S. Johnson. And respectfully submits.”*

EACH SIDE WAS GIVEN THIRTY (30) MINUTES TO ARGUE

On of counsels for movant argued as per their brief and presented the following issue for determination by the Bench:

*“1. Whether the movant’s rights were violated so as to effect the validity of the indictment?”*

The following questions were posed to one of counsels for the movant by the Bench:

Ques: Do you want the Supreme Court to dismiss the appeal because the State (LACC) did not transcribe/forward the records from the trial court to the Supreme Court in time?

Ans: Yes, Your Honors.

Ques: Is the issue raised in your brief an issue dispositive of a motion to dismiss?

Ans: Yes, Your Honors. Most times issues raised by the parties are not considered by the Bench.

At this stage the Chief Justice informed the counsel that his answer was incorrect.

Ques: When was this case decided by the lower court?

Ans: The case was decided on the 14<sup>th</sup> day of July 2016.

Ques: Do you have any precedence/law where the Supreme Court has dismissed a case because of a party’s failure to have the records transcribed or forwarded to the Supreme Court?

Ans: Yes, Your Honors. The National Housing and Saving Bank versus Gordon case, found in 35LLR, page 323.

Counsel for movant rested on the opening argument.

One of counsels for the respondent argued as per their returns.

The following questions were posed to one of counsels for the respondent by the Bench:

Ques: When was the appeal taken?

Ans: The appeal was taken on the 14<sup>th</sup> day of July 2016.

Ques: Why have you not facilitated the transfer of the records to the Supreme Court?

Ans: We made all the necessary efforts to have the records forwarded but the delay was from the clerk of the lower court. The records are currently before the Supreme Court, Your Honors.

One of counsels for the respondent rested on the opening.

Counsel for the respondent in closing, prayed the Honorable Supreme Court to deny and dismiss the movant's motion and order the hearing of the appeal proceeded with on its merit, and grant unto respondent any and all further relief that may be just, legal and equitable.

One of counsels for movant in closing, prayed the Honorable Supreme Court to dismiss the appeal for abandonment and grant unto movant all further relief that may be fair, just, lawful, and equitable.

**THE COURT:** *“Ruling in this case is hereby reserved to be delivered on Wednesday, March 22, 2017 at the hour of 10:00 a.m. And it is hereby so ordered. Matter suspended.”*

**THE CASE:** THE INTESTATE ESTATE OF THE LATE DR. SAMUEL K. DOE, SR., BY AND THRU ITS ADMINISTRATRIX AND ADMINISTRATOR, MME. NANCY B. DOE AND SAMUEL K. DOE, JR., VANIE E. DOE, ROLAND B. DOE, KULY DOE, VERONICA J. DOE AND JOHNNY KPOR, BY AND THRU THEIR CHAIRLADY NANCY B. DOE AND HIS HONOR B. S. TAMBA, JUSTICE OF THE PEACE (J.P) FOR MONTSERRADO COUNTY, ALL OF THE CITY OF MONROVIA, MOVANTS/APPELLEES, VERSUS G. ALVIN JONES, FRANCES G. JONES, MAXWELL L. JONES, VANII H. JONES AND ALVIN M. JONES FOR THEMSELVES AND AS DIRECTORS AND SHAREHOLDERS OF VARMOMA CORPORATION AND FOR VARMOMA CORPORATION, BY AND THRU THEIR ATTORNEY-IN-FACT, THE JONES & JONES LAW FIRM, OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA, RESPONDENTS. ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

**REPRESENTATIONS:** *“Movant is represented as per records and present before Court is Counsellor Viama J. Blama who says he has a submission to spread on the minutes of this Honorable Court after the notation of representations. And respectfully submits.” “Respondent is represented by Jones and Jones Law Firm and present in Court are Counsellors Denise S. Slokan, Peter Y. Kerkula and Molley N. Gray, Sr. and respectfully submits.”*

Following the information provided by the counsel for movant, Counsellor Viama J. Blama, that the motion was argued during the last term of court, and the Court ruled that the motion and the main appeal would be consolidated, the Chief Justice then suspended the hearing of the main case to another date to be decided by the Bench.

**THE CASE:** THE INTESTATE ESTATE OF THE LATE ALFRED E. DAVIS, SR. BY AND THRU ITS ADMINISTRATORS, OTHELLO E. FINDLEY, SR., AND ALFRED E. DAVIS, JR., OF THE CITY OF MONROVIA, LIBERIA, MOVANTS, VERSUS THE INTESTATE ESTATE OF THE LATE WILLIAM R. DAVIS, JR. BY AND THRU ITS ADMINISTRATOR OF THE CITY OF MONROVIA, LIBERIA, RESPONDENT, ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

**REPRESENTATIONS:** *“Movant is represented by Legal Watch, Inc., and present in Court is Counsellor Sylvester D. Rennie. And respectfully submits.” “The respondent is represented by Counsellor J. Emmanuel R. Berry, who says that he has a submission to spread on the minutes of this Honorable Court after the notation of representations. And respectfully submits.”*

**THE COURT:** *“The representations of the parties are noted. Counsel for respondent may proceed to make his submission. And so ordered.”*

**SUBMISSION:** *“Counsel for respondent begs to inform Your Honors that he is not well and hence unable to proceed with the hearing of this case. Counsel further begs Your Honor to grant him a period of two weeks, within which time counsel might be strong enough to proceed with the hearing of this case. And respectfully submits.”*

**RESPONSE:** *“Counsel for movant interposes no objection to the submission made by counsel for the respondent. And respectfully submits.”*

**THE COURT:** *“The Court has listened to the submission made by counsel for the respondent, Counsellor J. Emmanuel R. Berry, who informed Court that he is not well and unable to proceed with the hearing of this matter. Counsellor Berry requested Court for a period of two weeks, within which time he might be strong enough to appear to argue this case.*

*The Court hereby grants the two weeks requested and orders Counsellor Berry to file his brief within the two weeks period granted, as notice of assignment will be sent out after two weeks. And it is hereby so ordered. Matter suspended.”*

THE CASE: MADAM ANNIE Y. BAILEY OF THE CITY OF ZWEDRU, GRAND GEDEH COUNTY, MOVANT, VERSUS MAMADEE KAMARA REPRESENTED BY AND THRU SIDIKEE KROMAH ALSO OF THE CITY OF ZWEDRU, GRAND GEDEH COUNTY, RESPONDENT, ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

**REPRESENTATIONS:** *“Movant is represented by Yonah, Obey and Associates Law Offices in association with Counsellor David D. Gballah. Present in Court is Counsellor Roland R. Dahn. And respectfully submits.”*

No counsel appeared for the respondent.

At this stage, the Clerk was ordered to have the Marshal’s returns read in open court. The Marshal’s returns indicated that the respondent was not served copy of the notice of assignment because it was observed that the respondent’s counsel lived in Grand Gedeh County, where the matter emanated, and the Marshal did not have sufficient time to travel to Grand Gedeh County to have the respondent’s counsel served.

**THE COURT:** *“The hearing of this matter is postponed to be assigned at another date to be determined by the Bench. And so ordered. Matter suspended.”*

THE CASE: THE LIBERIA BAPTIST THEOLOGICAL SEMINARY, BY AND THRU ITS PRESIDENT, VICE PRESIDENT AND ALL AUTHORIZED OFFICERS, THE BOARD OF TRUSTEES OF THE LIBERIA BAPTIST THEOLOGICAL SEMINARY AND ALL AUTHORIZED OFFICERS OF THE CITY OF PAYNESVILLE, REPUBLIC OF LIBERIA, MOVANT, VERSUS LINCOLN S. BROWNELL, JR., OF THE CITY OF PAYNESVILLE, MONTSERRADO COUNTY, REPUBLIC OF LIBERIA, RESPONDENT, ACTION: MOTION TO DISMISS APPEAL IS CALLED FOR HEARING.

**REPRESENTATIONS:** *“Movant is represented by the International Group of Legal Advocates and Consultants, Inc., and present in Court is Counsellor Emmanuel B. James. And respectfully submits.” “Respondent is not represented by the Torch Professional Consultancy, Inc., as sometimes in June 2015, the respondent was notified of the termination of the relationship between the respondent and counsel. Counsel says that a copy of said communication of termination of relationship was attached to a letter addressed to this Court informing the Court that the Torch Professional Consultancy, Inc., had withdrawn its legal representation of the respondent. And respectfully submits.”*

THE COURT: *“The notation of representation of the movant is noted. The information provided by Counsellor Powo C. Hilton is also noted. The Clerk of this Court is ordered to have the respondent informed that the Torch Professional Consultancy, Inc., has withdrawn its representations of the respondent, and that the respondent is advised to appoint another counsel to represent his interest in this case, as the Court will have this matter assigned in two weeks. 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. I. Cisco Brown, Assistant Chaplain, Supreme Court of Liberia, to give the benediction. The Marshal was ordered to adjourn the Court to meet on Wednesday, March 22, 2017, at the hour of 10:00 a.m. And said order was carried out.

Respectfully Submitted:

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