

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

THURSDAY, MAY 4, 2017
8TH 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.

COUNSELLORS PRESENT:, Zaiye B. Dehkee, Emmanuel Tulay, Amara M. Sheriff, Seward M. Cooper, Stephen B. Dunbar, Jr., Augustine C. Fayiah, Luther N. Yorfee, Milton D. Taylor, J. Laveli Supuwood, F. Musah Dean, Jr., C. Alexander B. Zoe and Roland S. Dahn.

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 Alhaji Mustapha Wolor Mombo, Assistant Chaplain, Supreme Court of Liberia.

The correction and adoption of the minutes of Tuesday, May 2, 2017, 7th Day’s Session, was suspended.

THE CASE: ALVIN TEAGE JALLOH BY AND THRU HIS ATTORNEY-IN-FACT, JEROME G. KORKOYA OF THE CITY OF MONROVIA, PETITIONER VERSUS OLUBANKE KING-AKERELE, IN HER OFFICIAL CAPACITY AS MINISTER OF FOREIGN AFFAIRS; CHRISTIANA P. TAH, IN HER OFFICIAL CAPACITY AS MINISTER OF JUSTICE/ATTORNEY GENERAL; MILTON NATHANIEL BARNES IN HIS OFFICIAL CAPACITY AS LIBERIA’S AMBASSADOR TO THE UNITED STATES OF AMERICA, RESPONDENTS. ACTION: IN RE: THE CONSTITUTIONALITY OF SECTIONS 22.1 & 22.2 OF THE ALIEN AND NATIONALITY ACT IS CALLED FOR HEARING.

REPRESENTATIONS: *“Petitioner is represented by Dunbar & Dunbar Law Offices, Dean and Associates Law Firm and Counsellor Seward M. Cooper, and present in Court are Counsellors Stephen B. Dunbar, Jr., Frank Musah Dean, Jr., and Seward M. Cooper. And respectfully submit.” “The respondents are represented by the Ministry of Justice and present in Court is Counsellor Augustine C. Fayiah, Assistant Minister of Justice for Litigation, who begs leave of Court to make a submission after the notation of representations by Your Honors. And respectfully submits.”*

SUBMISSION: *“At this stage, one of counsels for the respondents begs to inform Your Honors that respondents hereby request continuance of the hearing of this matter, as both the Attorney General/Minister of Justice and the Solicitor General are presently out of the bailiwick of the Court engaged with issues genuine to national security of the State. Given the sensitive nature of this case, both the Attorney General and Solicitor General have ordered me to communicate with Your Honors to have the matter postponed to Wednesday, May 10, 2017, which request was formally made and filed with the Clerk of Court on May 3, 2017. And respectfully submits.”*

At this stage, by order of the Chief Justice, the Clerk of Court read the letter requesting continuance filed by counsel for respondents.

RESISTANCE: *“One of counsels for the petitioner interposes no objection to the request for continuance made by counsel for respondents. And respectfully submits.”*

THE COURT: *“At the call of the case, Counsellor Augustine C. Fayiah, Assistant Minister of Justice for Litigation, Ministry of Justice made application requesting postponement of this case in order that the Solicitor General and the Attorney General who are out of the bailiwick of the Court be present at the hearing of the case. The Court also sees a letter of request for continuance on the case file for reasons that the Attorney General and Solicitor General cannot be in Court because they are engaged in ‘issues genuine to the national security of the State.’”*

Counsel for the party petitioner has interposed no objection to the request for continuance made by the State. The Court grants the request for continuance made by the counsel for the respondents. This case is hereby reassigned for Wednesday, May 10, 2017, at the hour of 10:00 a. m. And it is hereby so ordered. Matter suspended.”

THE CASE: CLEOPATRA DAVIES, JAMES N. DAVIES, JOE MATADI AND OTHERS TO BE IDENTIFIED OF THE CITY OF MONROVIA, LIBERIA, APPELLANTS VERSUS THE REPUBLIC OF LIBERIA BY AND THRU THE PRIVATE PROSECUTOR, CIAPHA S. GBOLLIE OF THE CITY OF MONROVIA, LIBERIA, APPELLEES. ACTION: APPEAL, THEFT OF PROPERTY AND CRIMINAL FACILITATION IS CALLED FOR HEARING.

REPRESENTATIONS: *“Appellants are represented by the Law Offices of Taylor and Associates, Inc., and present in Court is Counsellor Milton D. Taylor. And respectfully submits.”*
“Appellee is represented by the Ministry of Justice and present in Court is Counsellor Augustine C. Fayiah in association with Counsellor J. Laveli Supuwood of Supuwood and Associates Law Firm. And respectfully submits.”

At this stage, one of counsels for appellee, Counsellor J. Laveli Supuwood, informed the Court that the case had earlier been argued, and that co-appellant Cleopatra Davies had agreed to make restitution of the amount involved, in accordance with the judgment of the lower court, and had made some payments, but that she has for a long time now reneged on her obligation.

The following questions were posed to counsel for the appellants by the Bench:

Ques: Is your client, Cleopatra Davies, present in Court today?

Ans: No, Your Honors.

Ques: Is she in the country?

Ans: I don't know, Your Honors. I lost contact with her for a long time now.

Ques: Was there an opinion rendered in this case?

Ans: No, Your Honors. The case was argued and we had some arrangement for my client to make restitution of the amount involved.

Ques: Has your client completed the payment?

Ans: Not to my knowledge, Your Honors, but the appellee has some debt obligations to the appellants, which we had agreed would offset my clients' obligation to him.

THE COURT: *"The Court will enter upon the records and determination. Ruling reserved. Matter suspended."*

THE CASE: CARMENIA E. TOLBERT-ABDALLAH PRO SE, AND VILLANCY REALTY INC., REPRESENTED BY ITS MANAGING DIRECTOR, CARMENIA E. TOLBERT ABDALLAH OF THE CITY OF MONROVIA, LIBERIA, INFORMANTS, VERSUS MOMOLU V. S. SIRLEAF, DUKULY-SIRLEAF ESTATE REPRESENTED BY COUNSELLOR MOMOLU V. SACKOR SIRLEAF, RESPONDENT. ACTION: BILL OF INFORMATION IS CALLED FOR HEARING.

REPRESENTATIONS: *"Informants are represented by Counsellor James E. Pierre. And respectfully submits."* *"Respondent/movant is represented by Counsellor Momolu V. Sackor-Sirleaf. And respectfully submits."*

THE COURT: *"This case is hereby postponed for reason that Counsellor Momolu V. S. Sirleaf has just filed his returns to the bill of information as well as an instrument entitled "Motion to Dismiss Informants' Bill of Information", which were received by the Justices at the call of this case this morning, May 4, 2017, at the hour of 10:00 a.m. Obviously, we cannot hear this case because the Justices have not read the instruments filed."*

For late filing of his responsive pleadings, in violation of the rule on responsive pleadings in accordance with the Rules of Court, and also filing an instrument wrongly labeled as “Motion to dismiss Bill of Information”, Counsellor Momolu V. S. Sirleaf is fined the amount of US\$100.00 (One Hundred United States Dollars) to be paid into government revenue within 72 hours, and a copy of the receipt of payment deposited with the Marshal of this Honorable Court. The hearing of this case is hereby postponed to be reassigned on a later date. And it is hereby so ordered. Matter suspended.”

THE CASE: OLUBANKE KING-AKERELE OF THE CITY OF MONROVA, REPUBLIC OF LIBERIA, APPELLANT, VERSUS EZZAT EID AND THE INTERNATIONAL ALUMINUM FACTORY, REPRESENTED BY AND THRU ITS PRESIDENT, EZZAT N. EID ALSO OF THE CITY OF MONROVIA, LIBERIA, APPELLEES. ACTION OF EJECTMENT IS CALLED FOR HEARING.

REPRESENTATIONS: *“Appellant is represented by the Law Offices of Zoe & Partners, and Yonah, Obey & Associates Law Offices, and present in Court are Counsellors C. Alexander B. Zoe and Roland S. Dahn. And respectfully submit.” “In obedience to the notice of assignment served on the J. Johnny Momoh & Associates Legal Chambers, Counsellor Amara M. Sheriff is present in Court, and begs leave of Court to make a submission. And respectfully submits.” “Appellees are represented by Sherman & Sherman Inc., and present in Court is Counsellor Luther N. Yorfee, who gives notice to Court, that after notation of representations by Your Honors, he has a submission to make. And respectfully submits.”*

THE COURT: *“The representations of the parties are noted. Counsel for appellees may now proceed to make his submission as requested.”*

SUBMISSION: *“At this stage, Counsellor Amara M. Sheriff begs to inform Your Honors that the J. Johnny Momoh & Associates Legal Chambers is not counsel of record in this case. Counsel says that both Counsellors J. Johnny Momoh and Amara M. Sheriff, who were assigned on this case, are no longer in the employ of Sherman & Sherman Law Firm. And respectfully submits.”*

SUBMISSION: *“At this stage, one of counsels for appellees most respectfully begs leave of Court and requests Your Honors for continuance in these proceedings so as to enable counsel to adequately prepare himself to represent his client in these proceedings, because the counsels who initially represented the appellee in persons of Counsellors J. Johnny Momoh and Amara M. Sheriff who were then members of the Sherman & Sherman Inc., are no longer in the employ of Sherman & Sherman, Inc.*

Counsel says that this request is made in good faith and is in no way intended to delay or baffle these proceedings, but to ensure that justice is done. This Counsel so prays, and respectfully submits.”

RESISTANCE: “At this stage, counsel for appellant interposes no objection to the request for continuance made by counsel for appellees. And respectfully submits.”

THE COURT: “The record shows that the notice of assignment in this case was served on the parties through their respective counsels. The notice of assignment for the appellant was served on Counsellors C. Alexander B. Zoe and Roland S. Dahn who are in Court today. The notice of assignment for the appellees was served on Sherman & Sherman Inc., through Counsellors J. Johnny Momoh and Amara M. Sheriff. Counsellor Amara M. Sheriff is present in Court today in respect to the notice of assignment. However, it has been brought to the attention of the Court that Counsellors Amara M. Sheriff and J. Johnny Momoh who served as counsels at Sherman & Sherman Inc., and who were counsels of records in the case, are no longer in the employ of Sherman & Sherman Inc.

We should note henceforth that for all intents and purposes, the Sherman & Sherman Inc. is counsel of record in this case. Therefore, to request postponement on the ground that Counsellors Amara M. Sheriff and J. Johnny Momoh are no longer with the firm is unacceptable. This is because the notice of assignment in this case was sent about 4 days ago to the Sherman & Sherman Inc., so the counsels should have prepared themselves to appear upon the call of the cause. However, the Court in its wisdom is inclined to postpone this case for hearing on Wednesday, May 10, 2017, at the hour of 10:00 a.m. And it is hereby so ordered. Matter suspended.”

THE CASE: AMADOU BAH OF THE CITY OF MONROVIA, INFORMANT, VERSUS HIS HONOR YUSSIF D. KABA, RESIDENT CIRCUIT JUDGE, CIVIL LAW COURT AND DR. NELSON ONIYAMA OF THE CITY OF MONROVIA, LIBERIA, RESPONDENTS. ACTION: BILL OF INFORMATION IS CALLED FOR HEARING.

REPRESENTATIONS: “Informant is represented by J. Johnny Momoh & Associates Legal Chambers, and present in Court is Counsellor Amara M. Sheriff who begs leave of Court to make an application after the notation of representations by Your Honors. And respectfully submits.”

No counsel appeared for the respondents.

THE COURT: “The representation of the counsel for informant is noted, and he may now proceed to make his application as requested.”

SUBMISSION: “At this stage, Counsel for informant most respectfully requests Your Honors to purge him of contempt of Court for his failure to appear on Tuesday, May 2, 2017 at the hour of 10:00 a.m. for the hearing of this case. Counsel says that during the evening hours on Monday, May 1, 2017, he experienced sharp pain at the back of his neck and he immediately called his doctor who advised him to take his medications and have some rest. Counsel says that due to the advice of his doctor, he had to stay away from active activities, and hence he could not appear to Court for the hearing of this case. Counsel requests Your Honors to kindly purge him of contempt of Court for the aforesaid reason. And respectfully submits.”

THE COURT: *“The submission made by Counsellor Amara M. Sheriff, requesting Court to purge him of contempt of court for reason that he was not well and could not appear for the hearing of the case on Tuesday, May 2, 2017, at the hour of 10:00 a.m., is hereby noted and granted. Counsellor Amara M. Sheriff is hereby purged of contempt of Court. The Court having heard from both sides will render a judgment without opinion in this case. And it is hereby so ordered. Ruling reserved. Matter suspended.”*

THE CASE: THE INTESTATE ESTATE OF THE LATE STEPHEN R. JOHNSON, OF THE CITY OF MONROVIA, LIBERIA, INFORMANT VERSUS HIS HONOR YAMIE Q. GBEISAY, JUDGE OF THE MONTHLY AND PROBATE COURT FOR MONTERRADO COUNTY, DAVID JOHNSON AND LAWRENCE P. JOHNSON ALSO OF THE CITY OF MONROVIA, RESPONDENTS. ACTION: BILL OF INFORMATION IS CALLED FOR HEARING.

REPRESENTATIONS: *“The informant is represented by Pierre, Tweh & Associates, Inc., and present in Court is Counsellor Zaiye B. Dehkee, who begs to inform Court that after the notation of representations, he has a submission to make. And respectfully submits.”*
“Counsellor Emmanuel A. Tulay of Tulay & Associates Law Firm says he is present in Court in obedience to a citation issued by the Clerk of Court citing him to appear before this Honorable Court to give reasons why he should not be held in contempt for his failure to appear before this Honorable Court on Tuesday, May 2, 2017. And respectfully submits.”

THE COURT: *“The representations of the parties are noted. The Court will now proceed with the hearing of the contempt proceedings against Counsellor Emmanuel A. Tulay.”*

The following questions were posed to Counsellor Emmanuel A. Tulay, Contemnor, by the Bench:

Ques: Did you receive a copy of the notice of assignment for the hearing of this case?

Ans: No, Your Honors. I did not receive copy of the notice of assignment for this case.

Ques: Did your firm (Tulay & Associates Law Firm) receive a copy of the notice of assignment for this case.

Ans: Yes, Your Honors.

Ques: Are you excusing yourself from the responsibility of your firm?

Ans: No, Your Honors.

Ques: Did the law firm contact you that there was notice of assignment for the hearing of this case?

Ans: Yes, Your Honors, but I did not receive the notice of assignment on time.

At this stage, Mr. Mackinley Kerkula, Office Administrator of the Tulay & Associates Law Firm who had also been cited, was questioned by the Court and warned to always give courts precepts serious attention whenever they are served on his law firm.

THE COURT: *For receiving notice of assignment from this Court and failing to appear on the cause, Counsellor Emmanuel A. Tulay of the Tulay & Associates Law Firm is hereby fined the amount of US\$100.00 (One Hundred United States Dollars) to be paid into government revenue within 72 hours, and a copy of the receipt of payment deposited with the Marshal of this Honorable Court. The Court will now proceed to hear the main case. And it is hereby so ordered.”*

SUBMISSION: *“At this stage, counsel for informant respectfully requests Your Honors and this Honorable Court to have the bill of information and appeal consolidated as the two have common issues. And respectfully submits.”*

RESISTANCE: *“At this stage, one of counsels for respondents/appellants prays Your Honors and this Honorable Court to grant continuance in this case and have the case re-assigned as soon as possible to give counsel time to file his brief for argument in the main case. Counsel through this same medium also prays Your Honors to deny the request of informant/appellee to have both the bill of information and appeal consolidated, on ground that the relief being sought in both the bill of information and the appeal are distinct and separate. Counsel says that this request for continuance is in the interest of the parties and not intended to delay or baffle these proceedings. This counsel so prays. And respectfully submits.”*

THE COURT: *“The submission made by counsel for informant for the consolidation of the bill of information and the appeal is hereby denied. The hearing of this case is hereby postponed to be reassigned upon notice of assignment. 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 Alhaji Mustapha Wollor Mombo, Assistant Chaplain, Supreme Court of Liberia, to give the benediction. The Marshal was ordered to adjourn the Court to meet on Wednesday, May 10, 2017, at the hour of 10:00 a. m. And said order was carried out.

Respectfully Submitted:

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