

CORRECTED AND ADOPTED

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
MARCH TERM, A.D. 2018

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, April 4, 2018
5th DAY’S SESSION

The Honorable Supreme Court of the Republic of Liberia, sitting in its March Term, 2018, 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: J. Emmanuel R. Berry, L. Koiboi Johnson, Arthur T. Johnson, Swaliho A. Sesay, Nyenati Tuan, Charles Abdulai, J. Daku Mulbah, Tiawan S. Gongloe, Stanley Kpakillen, James C. R. Flomo, Golda E. Bonah Elliott, Edwin K. Martin, Sylvester D. Rennie, Peter W. Howard, Bhaton Holmes Varmah, David W. Woah, and G. Moses Paegar.

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 Wollor Momoh, Assistant Chaplain, Supreme Court of Liberia.

A motion for the correction and adoption of the minutes of Tuesday, March 27, 2018, 2nd day’s session, and Wednesday, March 28, 2018, 3rd day’s session, was made by Counsellor Tiawan Saye Gongloe of the Law Offices of Gongloe & Associates, Inc., and seconded by Counsellor G. Moses Paegar of the Sherman & Sherman, Inc.

The following corrections were made to the minutes of Tuesday, March 27, 2018, 2nd day’s session, and Wednesday, March 28, 2018, 3rd day’s session, by the Bench and the Bar:

1. Corrections of the minutes of Tuesday, March 27, 2018, 2nd day’s session:

Page 2: “RESISTANCE: ‘Counsel for 2nd respondent/ co-appellee, Gonpue Kargon, objects to the consolidation of both the motion and the appeal, same being that our law does not support the taking of an appeal from the implementation of a Supreme Court Mandate.’”

Page 3: THE COURT: ‘.... We see that the bill of information filed by the appellant as well as the appeal brought to us from the conduct of the re-examination ordered by this Court presents similar issues of law and facts’.”

2. Corrections of the minutes of Wednesday, March 28, 2018, 3rd day’s session:

Page 3: “Ans: Yes, Your Honors. But The Supreme Court has ruled in a number of cases that the failure of an appellant to transcribe the records to the Supreme Court constitutes an abandonment of the matter.”

Page 4: THE COURT: “The record in this case is not complete. The appellants did not transcribe the record from the lower court to allow the Supreme Court receive the record. The movant/appellee is urged to transcribe the records so that the Court will have the entire records. The expenses made by the appellee will be passed to the appellants for reimbursement. The case out of which this motion grew will be assigned for hearing two weeks from today. And it is so ordered. Matter suspended.”

THE COURT: “With the corrections made by the Bench and the Bar, the minutes of Tuesday, March 27, 2018, 2nd day’s session, and Wednesday, March 28, 2018, 3rd day’s session, are adopted.”

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

REPRESENTATIONS: “The movant, Republic of Liberia, is represented by the Ministry of Justice in association with the Sherman & Sherman, Inc., and present in Court are Counsellors G. Moses Paegar, Golda A. Bonah Elliott and James Daku Mulbah. One of counsels for the movant says he has a submission to make after notation of representation by Your Honors. And respectfully submits.” “The respondent is represented by Counsellors Emmanuel B. James, Sylvester D. Rennie, Peter W. Howard, and Edwin K. Martin who say they are in Court and ready to proceed. And respectfully submit.

THE COURT: “The representations of the parties are noted and the request by the counsel for the movant to make a submission is granted. And so ordered.”

SUBMISSION: “The Ministry of Justice filed an application for continuance for one week to allow the Ministry of Justice to file brief in the criminal cases assigned for today, as the administration of the Ministry of Justice is new and most of the case files are not accessible to the new administration. And respectfully submits.”

THE COURT: “The Court will allow the re-assignment of the hearing of all the cases assigned for today, Wednesday, April 4, 2018, because the lawyers representing the parties are not ready for the hearing of the cases. The counsels are advised to file their respective briefs on or before the close of the working day on Friday, April 6, 2018. The cases will be reassigned based upon notices of assignment. And it is hereby so ordered. Matter suspended.”

The cases ordered postponed are as follows:

(1)

IN RE: THE CONSTITUTIONALITY OF THE RATIFICATION OF THE FOREST MANAGEMENT CONCESSION CONTRACT FOR AREA “F” BY THE NATIONAL LEGISLATURE IN FAVOR OF EURO LIBERIA LOGGING COMPANY

(2)

Jerry Flomo of Goll Farm, Gbarnga City, Bong County, Liberia.....DEFENDANT/APPELLANT	}	APPEAL STATUTORY RAPE
Versus		
Republic of Liberia.....PLAINTIFF/APPELLEE		

(3)

Glen Washington, David Yennego, Othello Smith and Mandella Kaiser, APPELLANTS	}	<u>APPEAL</u> THEFT OF PROPERTY MISAPPLICATION OF ENTRUSTED PROPERTY, CRIMINAL FACILITATION & CRIMINAL CONSPIRACY
Versus		
Republic of Liberia, by and thru the Management of ECOBANK APPELLEE		

(4)

Tonde C. Fon, Rashi R. Chandi, Romeo Clarke, Jr. James E. Potter, Kerli M. Miller, Cilkezie Ibem, Boakai Paegar, Patrick K. Manjoe, Khrushehev Urey, Edward Wright and Edwin Yeah, Ali Enterprise, Manawa & Son, James Ada, Alieu & Sons, Augustine Gaye and Only God Blessing.....APPELLANTS	}	<u>APPEAL</u> MISAPPLICATION OF ENTRUSTED PROPERTY, CRIMINAL, CONSPIRACY, ECONOMIC SABOTAGE, THEFT OF PROPERTY, CRIMINAL SOLICITATION &CRIMINAL FACILITATION
Versus		
Republic of Liberia, by and thru the Management of the United Bank of Africa, Represented by its President.....APPELLEE		

(5)

Nohad Hage-Mensah by and thru her Attorney-in-Fact, Edith Hage- Saygeh of the City of Monrovia, Liberia
.....INFORMANT

VERSUS

Oumou Sirleaf-hage of the City of Paynesville Montserrado County, Liberia.....1st RESPONDENT

AND

The Management of Ecobank by and thru its Managing Director and all officers working under its Authority
.....2nd RESPONDENT

BILL OF INFORMATION

There being no other matter 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 Tuesday, April 10, 2018, 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.