

BEFORE THE HONORABLE SUPREME COURT OF REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2020

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOHASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE

Republic of Liberia.....Informant)
Versus)
Her Honor Mardea Chenoweth, Resident Circuit Judge)
13th Judicial Circuit Court, Margibi County, Republic of)
Liberia.....1st Respondent) BILL OF
And) INFORMATION
Oliver Dillon of the City of Monrovia, Montserrado County,)
Republic of Liberia.....2nd Respondent)

GROWING OUT OF THE CASE

Republic of Liberia.....Petitioner)
Versus)
His Honor Roosevelt Z. Willie, Resident Circuit Judge)
1st Judicial Circuit Court, Montserrado County, Republic) PETITION FOR A WRIT OF
Of Liberia.....1st Respondent) CERTIORARI
And)
Oliver Dillon of the City of Monrovia, Montserrado County,)
Republic of Liberia.....2nd Respondent)

GROWING OUT OF THE CASE

Republic of Liberia.....Petitioner)
Versus) CRIME: MURDER
Oliver Dillon of the City of Monrovia, Montserrado County,)
Republic of Liberia.....2nd Respondent)

HEARD: July 2, 2020

DECIDED: September 3, 2020

MR. CHIEF JUSTICE KORKPOR DELIVERED THE OPINION OF THE COURT

On May 25, 2020, the Republic of Liberia, by and through the Ministry of Justice (“informant”) instituted this bill of information against Her Honor Mardea Chenoweth, Resident Circuit Judge, 13th Judicial Circuit Court, Margibi County (“1st respondent”) and Oliver Dillon of the City of Monrovia (“2nd respondent”).

The facts culled from the certified records before us reveal that the 2nd respondent was arrested and subsequently indicted on June 11, 2019, by the grand jury for Montserrado County, sitting in the May, A.D. 2019 term of court for the crime of murder and forwarded to the First Judicial Circuit Court, Criminal Assizes “A,” Montserrado County, Republic of Liberia for prosecution. The indictment essentially alleged that the 2nd respondent, with malice aforethought and intent to take away the life of a human being, cruelly stabbed and killed Emmanuel Koffa of the Supermarket Community, Gardnersville, Liberia.

While the case was pending before the court for trial, the 2nd respondent, through his counsels, filed a motion on April 25, 2019, praying to be admitted to bail. The 2nd

respondent contended in his motion that from the facts and circumstances of what occurred leading to death in this case, there was no malice aforethought or intent to kill; that the death of Emmanuel Koffa was purely accidental; that he acted in self-defense of his own life; and that he was entitled to bail as a matter of law. The 2nd respondent relied on Section 13.1, 1LCL Revised, Criminal Procedure Law which provides:

“A person in custody for commission of a capital offense shall, before conviction, be entitled as of right to be admitted to bail unless the proof is evident or the presumption great that he is guilty of the offense...”

On April 29, 2019, the informant filed resistance to the motion to admit to bail, challenging the veracity of the movant’s motion. The informant argued that proof is evident and presumption is great that the 2nd respondent committed the crime of murder as charged in the indictment and urged the presiding Judge of the First Judicial Circuit Court, Criminal Assizes “A”, Montserrado County, His Honor Roosevelt Z. Willie not to admit the 2nd respondent to bail because a defendant charged with the crime of murder cannot be admitted to bail under the laws of Liberia.

On May 7, 2019, Judge Willie entertained arguments from both sides and thereafter ruled granting the motion to admit to bail. Being dissatisfied with the ruling of the trial judge, the informant noted exception and gave notice that it would take advantage of the law controlling. The informant then filed a petition for a writ of certiorari before our Colleague, Mr. Justice Joseph N. Nagbe, who was then presiding in Chambers. Justice Nagbe ordered the alternative writ of certiorari issued, and after listening to arguments *pro et con* from the lawyers representing the parties, set aside the ruling of the lower court. He held that the lower court judge was in error in granting bail to the 2nd respondent under the facts and circumstances of this case and further ordered that the lower court should resume jurisdiction over the case and proceed with trial.

We quote excerpt from Justice Nagbe’s ruling:

“This Court takes recourse to the statute on the right to bail [which provides]: “A person in custody for the commission of a capital offense shall, before conviction, be entitled, as a right to be admitted to bail unless the proof is evident or the presumption great that he is guilty of the offense. On the hearing of [an] application for admission [to bail] made before indictment by a person in custody for the commission of a capital offense, the burden of showing that the proof is evident or the presumption great that he is guilty of the offense is on the Republic...” *Section 13.1.1 of the Criminal Procedure Law of Liberia*. In the instant case, in addition to the admission of co-respondent Oliver Dillon, that he stabbed the late Emmanuel Koffa with knife which led to his death thereby committing the crime murder, one would not understand why the respondent Judge would set aside the crime of murder and admit the co-respondent Oliver Dillon to bail. The contention of the State Prosecutors that co-respondent Oliver Dillon admitted to the crime is sufficient proof to be used in a court of competent jurisdiction for prosecution. This Court therefore holds that the Judge committed a reversible error when he granted co-respondent Oliver Dillon [motion] to [admit] to bail in the face of the crime of murder charged against him.

Certiorari, being the proper legal remedy to correct the error of the judge [and] the prosecution's petition being sound in law, is hereby granted and further that [the] defendant, Oliver Dillon shall remain in the common jail of Montserrado County as the crime of murder is not billable.

Wherefore, and in view of the forgoing, it is the holding of this Court that, given the facts and circumstances in this case, certiorari will lie. The preemptory writ is hereby ordered issued. The Clerk of this Court is ordered to send a mandate to the First Judicial Circuit, Criminal Assizes "A" instructing the presiding Judge therein to resume jurisdiction of this matter and give effect to this ruling. AND IT IS HEREBY SO ORDERED."

We should note that from the ruling of Justice Nagbe setting aside the ruling of Judge Willie, the 2nd respondent did not take an appeal.

When the parties returned to the trial court for the continuation of the case, the informant filed a motion for the trial judge to recuse himself from the hearing and determination of the case stating reasons, *inter alia*, that by granting bail to the 2nd respondent the trial judge had manifested prejudice that he would not conduct a fair and impartial trial in the case. The counsels for the 2nd respondent filed resistance to the motion to recuse contending that the informant had stated no legal and factual reasons for the judge to recuse himself. The trial judge ruled granting the motion and recused himself from the case and ordered the clerk to transfer the case to Criminal Court "B" for hearing and determination. Again, we note that from Judge Willie's ruling recusing himself there was no appeal taken by the 2nd respondent to allow us conducts an appellate review.

In passing, however, we must hasten to say that in this jurisdiction, we accept and subscribe to the universally accepted principle that no judge should preside in a case in which he/she has an interest. For next in importance to the duty of rendering a righteous judgment is that of fairness. This means that litigants are entitled to have a fair hearing and determination by an impartial tribunal, free from bias, prejudice, and interest. That said, we are surprised and dismayed by the decision of the trial judge recusing himself from presiding over this case. It is settled that for a judge to recuse himself/herself from a case it must be established that that judge has interest in the case; or is related to one of the parties; or has previously participated in the case as a lawyer prior to becoming a judge; or has expressed a view, or made a ruling on contentious issue(s) bordering the merits of the case. The request for a judge to recuse himself/herself is therefore a challenge for cause; the cause stated must have legal and/or factual basis. The primary duty of a judge is to hear and decide every case that comes before him/her. It is therefore wrong for a judge to recuse himself/herself from a case without a just cause, just as it is wrong for him/her to sit on a case in which he/she has interest.

In the case before us, we see no just cause, legal or factual, that warranted the trial judge to have recused himself. The motion to recuse only alleged that the judge had made a ruling admitting the 2nd respondent to bail and that judging from this action, the indication was that the judge would not conduct the trial fairly and impartially. We do not agree because the motion is based on mere speculation and conjecture. The decision of the trial judge admitting the 2nd respondent to bail was an interlocutory ruling that has no bearing on the outcome of the main case. In this jurisdiction, a judge presiding and conducting trial over a given case can make so many of such intermediate rulings; this is no indication that that judge is not, and will not be fair and impartial as alleged by the informant. Therefore, in our opinion, the trial judge erred and shunned his primary responsibility of hearing and deciding the case when he recused himself from presiding over this case.

In order to expedite trial, the counsels for the 2nd respondent filed a motion to advance the case on the trial docket of Criminal Court “B”, First Judicial Circuit, Montserrado County where the case was transferred. The informant filed resistance to the motion to advance and subsequently filed a motion for change of venue. Judge Ceaneh Clinton-Johnson who was presiding at the time at Criminal Court “B” by assignment heard the motion for change of venue *pro et con* and on January 13, 2020, granted the motion transferring the case to the 13th Judicial Circuit Court, Margibi County.

On January 31, 2020, the counsels for the 2nd respondent filed a motion to advance the case on the trial docket of the 13th Judicial Circuit Court, Margibi County sitting its February A.D. 2020 term presided over by Her Honor Mardea T. Chenoweth, Resident Circuit Judge.

At the call of the motion to advance the case on February 26, 2020, the County Attorney for Margibi County, Counsellor H. Deddeh Joemah-Wilson requested the court for continuance for a period of one week to allow state lawyers from Monrovia from whence the case emanated to participate in the case. The request was granted and the motion to advance the case was reassigned for hearing on March 12, 2020.

At the call of the motion to advance on March 12, 2020, the County Attorney for Margibi County, along with her Assistant, made application on the minutes of court recusing themselves for reason that they have “relationship” with the 2nd respondent. The court granted the application and the matter was postponed.

On March 17, 2020, the informant filed a motion for Judge Chenoweth to recuse herself from the case for reason that she had expressed opinion in open court that “the state knew it had no case for which it was foot-dragging”; that she would release the 2nd respondent on bail if the informant failed to proceed with the hearing of the case; and that by giving preference to this case when there are other cases pending on the docket of the court in

which people were in detention dating as far back to 2015 for crimes like rape, murder, etc. without trial, the judge was showing special interest in the case. The informant also said that it brought to the attention of the judge in the motion to recuse that she could not grant bail to the 2nd respondent because the issue of bail in favor of the 2nd respondent had already been decided by Associate Justice Joseph N. Nagbe; that the Justice had ruled denying bail for the 2nd respondent.

The counsels for the 2nd respondent filed resistance to the motion to recuse stating essentially that there was no just reason for the trial judge to recuse herself.

The records show that on March 19, 2020, the case was called for hearing by the issuance of a regular notice of assignment. The counsels for the 2nd respondent were present in court but the informant was absent without an excuse, even though the sheriff's returns showed that the parties, through their respective counsels, were duly served with notices of assignment.

The counsels for the 2nd respondent made an application on the minutes of the trial court requesting the judge to proceed with the hearing of the motion to recuse. Thereafter, the judge entered a ruling releasing the 2nd respondent forthwith to his lawyers and further ordered that a criminal appearance bond for the 2nd respondent be filed within seventy two (72) hours and presented to her for approval. We quote the ruling entered by the trial judge:

“On the 17th day of March A.D. 2020, the State filed a ten - count motion to recuse, that is, for the Judge to recuse herself from the case and the motion was assigned for Wednesday, March 18, 2020. On the same day, that is March 17, 2020 this court received an excuse from the Solicitor General and in that excuse, he requested for the motion to recuse to be heard on Thursday, March 19, 2020; which reads and I quote:

“I respectfully request your honor to please grant me an excuse from the hearing of the motion to recuse filed by prosecution in the above titled cause of action which motion is assigned for hearing on Wednesday, March 18, 2020. Kindly allow me to appear instead on Thursday, the 19th day of March 2020. This request is based on the fact that I already have a matter (appeal/petition for the writ of certiorari) pending before the Honorable Supreme Court and assigned for the same date and time, Wednesday, March 18, 2020 on which the motion to recuse is scheduled to be heard. Please see attached copy of reference citation from the Honorable Supreme Court, Republic of Liberia. Thanks for your kind consideration. Respectfully Cllr. Sayma Syrenius Cephus. Solicitor General and Chief Prosecutor, Ministry of Justice, R.L.”

Now, today is March 19, 2020, we have come to court and the Solicitor General is not here, neither did he send in any excuse or send any other lawyer from the Ministry of Justice to represent the Ministry of Justice.

From the Sheriff's returns, it shows that both counsels signed the notice of assignment to be here today. The time now is five minutes after eleven and the honorable Solicitor General is not around. Going through the case file it has been

shown on so many occasions that the State is not ready for this case. The idea of the Solicitor General not giving the court any deference shows an affront to this honorable court. Since the Solicitor General is not here, neither did he send any body, this court will now grant the defendant, Oliver P. Dillon bail until the State is ready to carry on this case. The clerk of this court is hereby ordered to prepare the necessary document. That is the release for defendant Oliver P. Dillon and place him into the hands of his lawyers. However, both lawyers, that is, Counsellors Sayeh and Augustine Toe are given seventy two hours to prepare and present to this honorable court a valid criminal appearance bond on behalf of their client, defendant Oliver P. Dillon. And so ordered. Matter suspended”.

As directed by the trial judge in her ruling quoted above, the counsels representing the 2nd respondent filed a criminal appearance bond on March 24, 2020; the bond was approved by the judge and subsequently served on the informant.

The informant, being dissatisfied with the ruling of the judge, filed this bill of information before the Court *en banc* praying for appellate review. The crux of the bill of information is that the trial judge’s decision granting bail to the 2nd respondent was illegal because it was in flagrant violation of the Ruling of Chambers Justice Nagbe.

In resisting the bill of information, the respondent contended essentially that a bill of information will not lie in the instant case; that in order for a bill of information to lie the matter forming the basis of the information must have been pending before the Supreme Court, or decided by it; that there must be an act disobeying, obstructing and usurping the order or mandate the Supreme Court; and that the decision and order of the Justice in Chamber is not that of the Supreme Court.

After having carefully perused the entire records in this case, including the bill of information, the returns thereto, and having read the briefs submitted by the counsels representing the parties and listened to their arguments presented before us, we have determined that there are two (2) principle issues for the determination of this case. They are:

1. Whether or not a judge of a subordinate court can rule on a matter in contrast to a decision already made by a Justice in Chambers of the Supreme Court?
2. Whether or not a bill of information will lie under the facts and circumstances of this case?

In addressing the first issue - whether or not a judge of a subordinate court can rule on a matter in contrast to a decision already made by a Justice in Chambers of the Supreme Court, we hold no! In a plethora of decisional laws, this Court has consistently held that a judge of a court of concurrent jurisdiction cannot review the decisions and actions of his predecessor or colleague of the same ranking. In accord: *R.L. v. Aggrey reported in 13 LLR 469, 478-479 (1960)*; *Netty-Blanquett v RL et al [2009] LRSC 23 (23 July 2009)*. *Gage v. Pratt, [1938] LRSC 11; 6 LLR 246 (1938)*; *Republic of Liberia v. Aggrey, 13 LLR 479; 13*

LLR 469 (1959); Brisco et al v Smith et al [1985] LRSC 25; 33 LLR 145 (1985) (21 June 1985); Kpoto v Kpoto [1987] LRSC 9; 34 LLR 371 (1987) (22 January 1987); Mitchell v Nelson et al [1983] LRSC 76; 31 LLR 270 (1983) (7 July 1983).

Now, if courts or judges of the same rankings cannot, by law, review decisions and/or actions of each other, it goes without saying that it is even more reprehensible for subordinate courts to rule on a matter in contrast to a decision already made by a Justice in Chambers of the Supreme Court. And this is exactly what Judge Mardea Chenoweth of the 13th Judicial Circuit Court, Margibi County did; she ruled granting bail to the 2nd respondent in contrast to the ruling of Justice Nagbe who had earlier denied bail for the 2nd respondent. No doubt, the judge was aware that Justice Nagbe had passed on the issue of whether or not the 2nd respondent should be admitted to bail. In the motion filed by the informant for her to recuse herself from the case, the informant specifically brought to the attention of Judge Chenoweth that the issue of bail had already been decided by Justice Nagbe in a certiorari proceeding; the judge did not deny this averment of the informant. In spite of this, she ruled granting bail to the 2nd respondent. Her action is tantamount to a review and reversal of the Chambers Justice, who is without question, much superior to her in ranking. In the contemplation of the law, whether Justice Nagbe was right in his decision in denying bail to the 2nd respondent or not, it was not for Judge Chenoweth to decide. Only the Supreme Court *en banc* can review the Chambers Justice. Unfortunately, from the ruling of Justice Nagbe denying bail to the 2nd respondent, there was no appeal taken to this Court for our review.

This Court has held that an inferior court's disregard of the superior court's decision and mandate is contumacious. *Dennis et al. v. Tarpeh et al.*, 35 LLR, 310 (1988). This Court has also held that it is contemptuous for a judge to rule on a case and take other action after receiving order from the Chambers Justice...*Management of Farrell Lines and Bureau of Labor Standards v. Williams and Farrell Lines Employees*, 35 LLR 476 (1988). Although no direct order was sent from Justice Nagbe to Judge Chenoweth concerning the issue of bail for the 2nd respondent, the judge was aware that the Chambers Justice had ruled denying bail for the 2nd respondent. As was done in the *Farrell Lines case* cited *supra*, we consider the action of Judge Chenoweth in this case contemptuous. She is therefore adjudged guilty of contempt. We have elected, at this time, to warn her instead of imposing a penalty. We have no doubt that she will pay heed.

We decide next, whether or not a bill of information will lie under the facts and circumstances of this case. Under the *Rules of the Supreme Court*, a bill of information will lie to prevent a judge or any judicial officer who attempts to execute the Mandate of the Supreme Court in an improper manner; and a bill of information will also lie to prevent

anyone whomsoever from interfering with the Judgment or Mandate of the Supreme Court. We are in agreement with the position of the 2nd respondent that the decision of the Chambers Justice is not the decision of the Full Bench of the Supreme Court. This is why a decision from a Chambers Justice is subject to review by this Court *en banc*. However, we cannot pay blind eye to the contemptuous action of Judge Chenoweth against Justice Nagbe, a member of this Court. An act of contempt against a member of this Court is of concern to all members of the Court and warrants a decision by the Court *en banc*. So, while ordinarily this bill of information would not lie because the decision denying bail for the 2nd respondent which was interfered with and disregarded by Judge Chenoweth is not the decision of the Supreme Court, the Court will take cognizance of the matter and exercise jurisdiction because of the element of contemptuous act which flows from the trial judge's illegal action to the Chambers Justice and to the Court *en banc*. It is this unique and peculiar nature of this case that puts it squarely in the ambit of our consideration.

Even though we take the position that Judge Chenoweth erred and committed a contemptuous act when she granted bail to the 2nd respondent in the face of the earlier decision by Justice Nagbe denying bail for the 2nd respondent, we are not oblivious to the many lapses and excuses by the informant (Republic of Liberia) that have resulted into delay in the trial process of this case. The law requires that a defendant charged with the commission of a crime be given a speedy trial. But the records of this case are replete with acts, which in our view, amount to dilatory tactics by the informant indicating its unpreparedness to proceed with trial. The 2nd respondent was arrested in June 2019, and charged with murder. At every stage of his trial he, through his counsels, filed motions to advance the case on the dockets of the trial courts. But the informant consistently resisted all such motions. Here are some glaring examples: (a) when the case was returned to Criminal Court "A" after the certiorari proceeding before Justice Nagbe, the informant filed a motion for Judge Roosevelt Willie to recuse himself. As we have said, even though the judge granted the motion and recused himself, we do not see any legal or factual justification for the motion. Time was wasted on this illegal motion; (b) when the case was transferred to the 13th Judicial Circuit in Margibi County, the County Attorney for Margibi County, Counsellor H. Deddeh Joemah-Wilson requested continuance for one week for state lawyers from Monrovia to participate in the case. In our view, this was a waste of time as the state should have been ready and prepared at that time to proceed with trial. In any event, the trial court granted the request and the motion to advance the case on the trial docket which had been filed by the 2nd respondent before the 13th Judicial Circuit, Margibi County, was reassigned for hearing on March 12, 2020; and (c) at the call of the motion to advance on March 12, 2020, the County Attorney for Margibi County, along with her Assistant, made application on the minutes of court recusing themselves for reason that

they have “relationship” with the 2nd respondent. In our view, this application should have been filed at the onset when the case was transferred to the 13th Judicial Court, Margibi County because the County Attorney and her Assistant knew, or had reason to know all along, that they had “relationship” with the 2nd respondent and could not, for that reason, participate in the prosecution of the case. Time was again wasted because of this belated application. This must have led to the statement said to have been made by the trial judge that the informant was “foot-dragging”; and that she would release the 2nd respondent on bail if the informant failed to proceed with the hearing of the case. We quite understand the apparent frustration of the trial judge at that point.

Under Liberian Criminal Procedure Law, there are safeguards for a defendant who is charged with criminal offense but who is not timely tried. *Section 18.2 of the Criminal Procedure Law provides:*

Unless good cause is shown, a court shall dismiss a complaint against a defendant who is not indicted by the end of the next succeeding term after his arrest for an indictable offense or his appearance in court in response to a summons or notice to appear charging him with such an offense. Unless good cause is shown, a court shall dismiss an indictment if the defendant is not tried during the next succeeding term after finding of the indictment. A court shall dismiss a complaint charging a defendant with an offense triable by a magistrate or justice of the peace if trial is not commenced in fifteen days after the arrest of the defendant or his appearance in court in response to a summons or notice to appear. [Emphasis supplied.]

Unfortunately, the 2nd respondent in this case, who the records clearly show, was not tried at the end of the next succeeding term of court after indicting him with the crime of murder, did not move the trial court to establish good cause for the dismissal of the indictment against him as provided for under *Section 18.2,1 LCL the Criminal Procedure Law*. And the 2nd respondent also did not take an appeal from the ruling of Justice Nagbe to afford us the opportunity to review the Chambers Justice’s decision denying him bail.

The indictment charging the 2nd respondent alleges that he willfully and intentionally killed another human being, a Liberian national. Under *Section 2.1, 1LCL Revised, Criminal Procedure Law*, a defendant in a criminal action is presumed innocent until proven guilty. And this presumption of innocence remains and flows throughout the case until it is finally determined by the Supreme Court. The practice in vogue is that a defendant charged with premeditated murder must stand trial. Where proof is evident or the presumption is great that murder, a capital offense was committed, the defendant is not entitled to bail. But there is no way for us to say definitively whether or not proof is evident or the presumption is great in the case of the 2nd respondent to allow him to be admitted to bail. This is because, as we have noted, no appeal was taken from the ruling of our Colleague, Justice Nagbe, the then Chambers Justice who denied bail for the 2nd respondent. However the provisions of the

Criminal Procedure Law of Liberia are intended to provide for the just determination of every criminal case; they are to secure simplicity in procedure, fairness in administration and eliminate unjustifiable expense and delay. Reliance: *Section 1.2, 1LCL Revised, Criminal Procedure Law*. And the role of the trial court, as the impartial referee, is to conduct a speedy and fair trial and ensure that the truth is revealed. In this way, if the defendant is found guilty, he/she faces the appropriate penalty imposed by law. On the other hand if the defendant is not found guilty, he/she is acquitted. Timeliness of the process is so essential.

But the many lapses and excuses on the part of the informant in this case attest to its unpreparedness to proceed with the trial. This has impeded the role of the court and made it difficult for the 2nd respondent to receive a speedy and fair trial. Therefore, in dealing with the requirement of the law that the 2nd respondent stands trial for the alleged commission for the heinous crime of murder against another Liberian, *vis-à-vis* his right to presumption of innocence, as well as his right to a speedy and fair trial, we must be balanced and even-handed. Under the circumstances, we are not inclined to recommit the 2nd respondent to the common jail. In such cases where the exigency and the ends of justice so require, our Criminal Procedure Law makes provision for the court to allow a defendant in a criminal case to appear as directed, either before or after conviction upon such terms and conditions as may be prescribed in alternative to imprisonment. Reliance: *Section 13:5, 1LCL Revised, Criminal Procedure Law*.

WHEREFORE, we direct that the 2nd respondent reports twice a week to the trial court, on Tuesdays and Fridays of each and every week. The judge of the trial court is ordered to direct the clerk of that court to prepare an attendance roll for the 2nd respondent and make appropriate notations of his appearances on each of the days mentioned hereinabove; this process shall continue until this matter is concluded by the trial court, and if need be, by the Supreme Court. In the event the 2nd respondent fails or neglects to report to the trial court as directed, he shall be arrested forthwith, and recommitted to the common jail. The trial judge is further ordered to give priority to this case and commence and conclude trial therein in four (4) months beginning from the date of the Judgment in this case. IT IS SO ORDERED.

Cllr. Sayma Syrenius Cephus, Solicitor General, Republic of Liberia appeared for the Informant.

Cllr. J. Augustine Toe appeared for the respondents.

Bill of information granted.

Then on March 17, 2020, the informant filed a motion for Judge Chenoweth to recuse herself from the case for reason that she had expressed opinion in open court that the state was “foot-dragging”; that she would release the 2nd respondent on bail if the informant failed to proceed with the hearing of the case; and that by giving preference to this case when there are other cases pending on the docket of the court in

Respondents asserts further that at no time did the 1st respondent herein develop interest in this case. Assuming without admitting that the 1st respondent erred in her decision to grant the 2nd respondent bail and the 1st respondent did not hear the Motion of rescue herself as was prayed, respondent submit that Bill of Information is not the proper remedy to seek redress but rather through a Petition for the writ of Certiorari. That the right to bail as provided for under Article 21 (c) of the Liberian constitution, does not in any way free an accuse from the crime charged or mistaken give the impression that the accuse is falsely arrested and imprisoned on trumped up charges (s) without cause as the Informant wants Your Honors to believe. On the contrary, the essence of bail in this jurisdiction is to ensure that the defendant is available (appearance) whenever he or she is needed in court for trial. Respondent therefore prayed this Court to dismiss and denied the prayer as contained in Informant's Bill of Information because this case was never heard by the full bench of this

Honorable Supreme Court for Bill of Information lie. We quote below the full text of respondents' returns:

was by the 1st respondent. That the ruling or judgment delivered by His Honor Justice Nagbe, on July 25, 2019, setting aside and overruling the judgment of His Honor Judge Willie to admit 2nd respondent Oliver Dillon to bail was tempered-with, overturned and violated in all respects. That the 1st respondent without any legal authority released the 2nd respondent on bail in gross violation of the Justice Nagbe's ruling of July 25, 2019.

and believing that she grossly erred by reviewing the decision of Mr. Justice Nagbe who had initially ruled denying bail for the 2nd respondent, thereby reversing the ruling of the Judge of Criminal Court "A", First Judicial Circuit, Montserrado County,

Informant asserts that 1st respondent Judge is without any legal authority to grant bail to 2nd respondent who has been accused of committing murder, a first degree felony which is not bailable, granted bail to the 2nd respondent in blatant violation and disrespect to the ruling of the Justice in Chambers of this Court. Informant alleged that the 1st respondent has vested interest in the case that was the reason why she proceeded to release the 2nd respondent in contravention of the law. Informant asserts in its bill of information that the court could not sua sponte grant bail automatically without demonstrating some vested interest especially so where there was no application whatsoever filed before it. And besides, that a request or motion for continuance by the state is not a legal ground upon which a court can grant bail to an accused who has been indicted for the crime of murder. That the conduct of the 1st respondent judge to grant bail to 2nd respondent accused of murder, a first degree capital offense, which is not bailable is utterly reprehensible, arbitrary and has grossly prejudiced the interest of informant; unnecessarily exposed the ruling of His Honor Justice Nagbe to

public ridicule and mockery, and has created the mistaken impression that the 2nd respondent Oliver Dillon has been falsely arrested and imprisoned on trumped up murder charges without cause. That the 1st respondent lacks the legal authority or jurisdiction to review, set aside or overturn a decision, ruling or judgment made by a Justice presiding in chambers by assignment. Informant says a Bill of Information is the proper remedy at law and will lie, where there exists the improper execution, enforcement or interpretation of the mandate of the Honorable Supreme Court of Liberia by an inferior court or where an inferior court has exceeded or has wrongly interpreted the mandate of the Honorable Supreme Court of Liberia.

Informant therefore requests this Court to grant an alternative ex parte order, setting aside and overruling the erroneous ruling of the 1st respondent judge, order the re-arrest and imprisonment of the 2nd respondent, and ensure that the 1st respondent refrain from all actions and activities regarding the said matter pending a full determination of informant's Bill of Information; that this Court should declare the purported judgment of the 1st respondent Judge Her Honor Mardea Chenoweth NULL AND VOID or void and of no force and effect, and alternatively, exert the most appropriate administrative reprimand to serve as a deterrence to other would-be violators, for atrociously reviewing, setting aside or overturning the judgment or ruling of an Associate Justice of the Honorable Supreme Court of Liberia in person of Justice Joseph N. Nagbe. We quote the full text of the informant's bill of information below:

"INFORMANT'S INFORMATION

AND NOW COMES Informants in the entitled cause of action praying Your Honors and this Honorable to issue an Alternative Ex Parte Order to set aside, restrain, and inhibit the within named 1st respondent Judge, Her Honor Mardea Chenoweth, from reviewing, setting aside and overruling the decision or judgment of the Justice Presiding in chambers by assignment, His Honor Joseph N. Nagbe and thereby admitting 2nd respondent Oliver Dillon to bail in total contravention of Justice Nagbe's ruling, for the following legal and factual reasons as showeth, to wit:

1. And because informant says and submits that it is a long standing principle of law in this jurisdiction that says inferior courts are not only subject to the administrative review and supervision of superior courts but are also under legal obligation to obey and submit to their orders, judgments and rulings and are forbidden by law and practice, hoary with age, from reviewing, overruling or setting aside the judgments, orders or decisions of superior courts. Informant submits that the purpose for the demand of such unbridled deference that is required of, or that is expected of such inferior courts is intended not only to define their limitations and jurisdictions, but also to show that the interpretation and application of the law is based on, the jurisdictional power and authority that each court, whether inferior or superior exercises. Your Honors are most respectfully requested to take judicial notice of the role and authority of superior courts over inferior courts.

2. Informant submits also that it is an elementary principle of law, practice and procedure that says no party can be bound by a judgment or ruling to which he/she was not made a party. And moreover, the law further says: "A judgment concludes only parties to the suit, and those in privity of relation with them... A court has no authority to enter a judgment or decree against anyone over whom it has no jurisdiction either by service of process or by his voluntary appearance and submission to the court's jurisdiction." See *Tubman v. Murdoch*, 4LLR 179(1934).
3. Further to count 1 above, Informant says a Bill of Information is the proper remedy at law and will lie, where there exists the improper execution, enforcement or interpretation of the mandate of the Honorable Supreme Court of Liberia by an inferior court or where an inferior court has exceeded or has wrongly interpreted the mandate of the Honorable Supreme Court of Liberia (emphasis ours). See *New Judiciary Law*.
4. Informant says that it is a Plaintiff in the court below before the 1st respondent, Her Honor Mardea Chenoweth, in a murder case in which the 2nd respondent, Oliver Dillon was duly indicted for the felonious crime of murder, a non-bailable offense by the Grand Jurors for Montserrado County. Informant submits that at the initial commencement of the trial of the case, the 2nd respondent's counsel filed a motion to admit to bail, alleging a number of factual and legal issues, which however, were strongly resisted by informant. The motion was duly assigned, argued by both parties, and at the end, the presiding Judge His Honor, Roosevelt Z. Willie granted the Movant's motion to admit to bail but to which ruling, the Republic of Liberia excepted and gave notice to the court that it would take advantage of the law as made and provided for.
5. Further to count 4 above, Informant says it thereafter filed a petition for a writ of certiorari before His Honor, Joseph N. Nagbe, Associate Justice, presiding in chambers by assignment, praying court to review and set aside the ruling of His Honor Judge Roosevelt Willie, on grounds that the felonious crime of murder, which carries a life sentence or death by hanging, is not bailable under Liberian law. An alternative ex parte writ of certiorari was issued, and the 2nd respondent, Oliver Dillon was requested to file his returns and which he did; and the parties were subsequently cited, the petition was argued and a subsequent ruling or judgment was delivered by His Honor Justice Nagbe, setting aside and overruling the judgment of His Honor Judge Willie to admit 2nd respondent Oliver Dillon to bail. Informant submits that the decision to overrule and set aside the granting of bail in favor of 2nd respondent, Oliver Dillon, was never excepted to, and no appeal was announced by his counsel, and therefore, that ruling or judgment delivered by His Honor Justice Nagbe was conclusive or final, meaning, 2nd respondent Dillon could no longer be admitted to bail. *Attached hereto and marked as Exhibit "I/4" is a copy of Justice Nagbe's ruling.*
6. Further to count 5 above, informant avers that 2nd respondent Oliver Dillon was committed to prison and at the commencement of the February Term A.D. 2020, a motion for change of venue was filed by the prosecution because of local prejudice, heard and determined and the matter was transferred to the 13th Judicial Circuit, Margibi County which is presided over by the 1st respondent, Her Honor Mardea Chenoweth. Informant submits that no sooner had the Oliver Dillon case been transferred and subsequently advanced on the trial docket, when Judge Chenoweth from all intents and purposes began to develop strong interest into the case, and by that proceeded to subordinate the assignments of other cases, i.e. murders, armed robberies, rapes, statutory rapes, gang rapes on the trial docket, except the Oliver Dillon case. The trial docket shows that some of the cases have been on the docket

of the court since August, 2015. Attached hereto and marked as Exhibit "I/0.7 is a copy of the court's docket.

7. Informant says when the case was assigned for hearing, prosecution begged leave of court and spread a submission on the records, praying court and Her Honor for a two-week continuance of the proceedings, since the matter had just been transferred and there were other major cases such as rape, statutory rape, gang rape, murder, and armed robbery cases on the docket, some of which have been on the dockets for more than three to four terms of court and any of which could be assigned for the commencement of trial, either on or after 23rd March, 2020, but the 1st respondent Judge, apparently having deep interest in the case best known to herself, denied the submission, made all sorts of incendiary comments against the prosecution and threatened to admit 2nd respondent Oliver Dillon to bail if the matter did not commence on Tuesday, 17th March, 2020.
8. Informant further submits that because of the condescending comments and threats made in the presence of the 2nd respondent in open court which touched the depth and character of the case and created the mistaken impression that the state knew it had no case for which it was foot-dragging and playing for time, which is not true, Informant filed a motion before the 1st respondent seeking her recusal from the case for expressing opinion that was egregiously prejudicial to the interest of informant. further, informant says in its motion to recuse, it stated in plain terms that the 1st respondent lacks the legal authority or jurisdiction to review, set aside or overturn a decision, ruling or judgment made by a Justice presiding in chambers by assignment. Informant submits that it informed Judge Chenoweth in its motion that the question of whether or not 2nd respondent Oliver Dillon could be admitted to bail was already MOOT because His Honor Associate Justice presiding in chambers by assignment had passed on the same question when a petition for a writ of certiorari was filed before him and he subsequently overruled, set aside and overturned the ruling of His Honor Roosevelt Z. Willie admitting 2nd respondent Dillon to bail. Your Honors are most respectfully requested to take judicial notice of Exhibit "I/1" which is the ruling of His Honor Associate Justice Nagbe.
9. Informant avers that the 1st respondent upon seeing the motion for recusal, ordered that the motion be assigned for March 19, 2020 and because Movant's counsel was involved with the final argument in the economic sabotage case at the Criminal Court "C" at the Temple of Justice, a written request for the continuance of the proceedings to be rescheduled for Friday, March 20, 2020 was sent to the court to inform the 1st respondent of the inability of the Solicitor-General to attend, but the notice for continuance was never filed until 11:00 am, 19 March, 2020. The 1st respondent alleges in the records of the court that the proceedings began @ 8:a.m. on the selfsame day, which is not true and the reason for the 1st respondent stating that there was no excuse filed by informant was because she had the mindset either for some vested interest to set defendant/ respondent Dillon free as she had shown by threatening to overrule Justice Nagbe's ruling by granting 2nd respondent bail. Attached hereto and marked as Exhibit I/4 in bulk is a copy each of request written by informant and the Judge Chenoweth's ruling.
10. Informant submits that assuming without admitting that movant/informant defaulted on its own, and the adversary party had invoked chapter 10 section 10.7 of the Civil Procedure Code, which is not the case, the only available legal remedy the 1st respondent had or could have exercised was simply to deny and dismiss the motion without causing undue embarrassment to the state, and thereafter set a new date for the trial of the case. Informant says the 1st respondent refused to recognized or ignored the continuance written by informant because of the seemingly vested

interest developed into the matter and erroneously spread on the records of the court: "Since the Solicitor-General is not here, neither did he send anybody, this court will now grant the defendant Oliver Dillon bail until the state is ready to carry on this case." Your Honors are most respectfully requested to take judicial notice of the purported ruling of the 1st respondent Judge marked as Exhibit "1/4".

11. Further to count 10 above, Informant submits that the 1st respondent judge committed an egregious judicial error, first, there is no showing that the motion to recuse was ever heard or determined, and there is no ruling or judgment dismissing or denying the said motion whatsoever, except that the purported decision of the 1st respondent Judge only referenced the alleged absence from court of the Solicitor-General. Informant says and avers that the 1st respondent Judge knows or ought to know that it is an elementary principle, practice and procedure that says to every application, motion or a complaint filed before a court of law, the judge presiding must hear and determine the application or motion and thereafter render a judgment or make a ruling either sustaining or deny and dismissing the said application or motion. Informant says in the instant case, the 1st respondent Judge although has been asked through a written motion to recuse herself and while said motion is pending and undetermined, has proceeded to do exactly what she has been accused of. Informant says the motion to recuse is still pending before the court as there is no ruling either sustaining it or dismissing the said motion.
12. Informant say further assuming without admitting that the motion was denied, which is not the case, the 1st respondent Judge is without any legal authority to grant bail to 2nd respondent who has been accused of committing murder, a first degree felony which is not bailable. Moreover, the court could not sua sponte grant bail automatically without demonstrating some vested interest especially so where there was no application whatsoever filed before it. And besides, informant submits that a request or motion for continuance by the state is not a legal ground upon which a court can grant bail to an accused who has been indicted for the crime of murder. Your Honors are most respectfully requested to take judicial notice of the procedure under which a bail may be granted to a criminal defendant.
13. Further to count 12 above, informant says and submits that the only reason why the 1st respondent Judge had been eager to go to court was simply to admit 2nd respondent to bail and that is after the granting of the bail to 2nd respondent, the 1st respondent did not put a foot to the court the next day, March 20, 2020 up and including 12 noon, which further shows that she had vested interest in the matter and not the string of rape, armed robbery or murder cases that are pending before the court and undetermined.
14. Informant submits that the conduct of the 1st respondent judge to grant bail to 2nd respondent accused of murder, a first degree capital offense, which is not bailable is utterly reprehensible, arbitrary and has grossly prejudiced the interest of informant; unnecessarily exposed the ruling of His Honor Justice Nagbe to public ridicule and mockery, and has created the mistaken impression that the 2nd respondent Oliver Dillon has been falsely arrested and imprisoned on trumped up murder charges without cause.
15. The Honorable Supreme Court of Liberia has held in the case: Ware v RL 5 LLR 50 (1935) in syllables 1, 2 and 3 that:
"The judge of a court is not merely appointed to an office, but he is also elevated to a dignity; (2) As such he is dedicated and consecrated to the adjudication of the rights of litigants, and hence must avoid any course of conduct which would cause his impartiality to be questioned; and (3) "Every litigant, including the State in criminal cases, is entitled to nothing less than the cold neutrality of an impartial judge; hence,

a judge who is prejudiced or otherwise disqualified may be successfully challenged." Informant submits that the threats issued against informant that: "The Presiding Judge of the 13th Judicial Circuit Court has threatened to place murder suspect Oliver Dillon on bail after the court denied government lawyers second application for the delay of the proceedings" were quite judgmental and unduly prejudiced informant's interest on grounds that the 1st respondent did carry out the threats in blatant disregard to the fact that she cannot overturn or overrule a decision or judgment of an Associate Justice of the Honorable Supreme Court of Liberia.

16. Furthermore, informant informed the 1st Respondent Judge that a conflict of interest exists where a person or a referee umpiring a proceeding or a contest is linked either by a fraternal or family relation with one of the contestants or makes injurious or insalubrious comments touching the depth and character of the contest to the extent that one of the parties looks increasingly like an undue aggressor or like a fake. Informant contended that the 1st respondent was conflicted and not impartial or neutral anymore, and she proved informant right by arbitrarily granting the 2nd respondent bail without any application being filed before her and condescendingly overruling the sound judgment of Justice Nagbe.
17. Informant submits submit that the bill of information is the proper remedy at law and will surely lie because the Supreme Court of Liberia has held in the case: " Liberia-American Insurance Corporation versus Imad Hage, 37LLR 404," that: "No court has authority to render judgment against a party who has not been served with process to bring him under its jurisdiction or who had not voluntarily appeared, and any judgment rendered contrary to this rule is void as to the party against whom it is rendered." Informant was never served with any notice of assignment for the hearing of a bail application, nether was it aware of any application being filed to that effect and therefore the purported ruling of the 1st respondent judge should be set aside and the 2nd respondent sent back to jail.
18. Informant also says the Supreme Court of Liberia has held in the case: Hafez M. Jawhary v. Her Honor Amymusu Jones 38LRR (1998)584, 593, 594 syl. 1& 2 held as follows:
 - a. A bill of information seeks to remedy the improper execution of the mandate of the Supreme Court; it seeks to correct irregularities committed by a judge or judicial officer in the execution of the mandate of the Supreme Court; and
 - b. A party who feels that the lower court or tribunal in executing a mandate of the Supreme Court has proceeded in an improper manner has a remedy not by a remedial writ but by a bill of information to the full bench.
19. Further to count 18 above, informant reaffirm that this bill of information is the proper remedy at law available to informant and will no doubt lie for the fact that the 1st respondent Judge exceeded her scope of operation and dabbled into granting bail to defendant Dillon in a fashion that made her look increasingly as a Judge and a law for defendant Dillon for the fact that there was no application before court to admit the defendant to bail.

WHEREFORE AND IN VIEW OF THE FOREGOING, INFORMANT prays Your Honors as follows:

- a. That Your Honors will grant an alternative ex parte order, setting aside and overruling the erroneous ruling of the 1st respondent judge, order the re-arrest and imprisonment of the 2nd respondent, and ensure that the 1st respondent refrain from all actions and activities regarding the said matter pending a full determination of informant's Bill of Information;

- b. That Your Honors will declare the purported judgment of the 1st respondent Judge Her Honor Mardea Chenoweth NULL AND VOID or void and of no force and effect, and alternatively, exact the most appropriate administrative reprimand to serve as a deterrence to other would-be violators, for atrociously reviewing, setting aside or overturning the judgment or ruling of a venerated Associate Justice of the Honorable Supreme Court of Liberia in person of Justice Joseph N. Nagbe.
- c. That Your Honors will grant unto Informant any other and further relief as Your Honor may deem just, legal and equitable in the premises.

RESPECTFULLY SUBMITTED:
INFORMANT, by and thru its legal Counsel
Edwin Kla Martin
COUNSELLOR -AT-LAW
Lafayette B. Gould Sr.
COUNSELLOR -AT-LAW
Jerry Garlawulo
COUNSELLOR -AT-LAW
Sayma Syrenius Cephus
COUNSELLOR-AT-LAW

Dated this ___ day of MARCH 2020
\$5.00 Revenue Stamps Affixed on Original”

In countering the allegations and assertions made by the informant in the bill of information filed with this Court, the respondents filed their returns essentially stating that bill of information will not lie in the instant case. That the full bench of the Honorable Supreme Court has not given a mandate that was not executed or respected by any subordinate court. The 1st respondent herein did not refuse any mandate of the Honorable Supreme Court of Liberia for which a Bill of Information lie. That the Supreme Court of Liberia has repeatedly held, literally without number, that ordinarily, in order for a Bill of Information to be granted, the matter forming the basis of the information must have been pending before the Court, or decided by it; there must be an act to usurp the province of the Court; there must exist some irregularities or obstruction in the execution of the Supreme Court's mandate; or there must have been a refusal to carry out the Supreme Court's mandate.

Respondents maintain that the instructions of the Chamber Justice to His Honour Judge Roosevelt Z. Willie to resume jurisdiction over the murder case was not a mandate of the full bench of the Honorable Supreme Court of Liberia for Bill of Information to lie. That for an informant to come to the Honorable Supreme Court of Liberia by way of a Bill of Information, the full bench of the Honorable Supreme Court must have sat on a particular case and a mandate given to a subordinate court and said mandate is not enforced or obeyed as mandated.

Respondents assert further that at no time did the 1st respondent herein develop interest in this case. Assuming without admitting that the 1st respondent erred in her decision to grant the 2nd respondent bail and the 1st respondent did not hear the Motion of rescue herself as was prayed, respondent submit that Bill of Information is not the proper remedy to seek redress but rather through a Petition for the writ of Certiorari. That the right to bail as provided for under Article 21 (c) of the Liberian constitution, does not in any way free an accuse from the crime charged or mistaken give the impression that the accuse is falsely arrested and imprisoned on trumped up charges (s) without cause as the Informant wants Your Honors to believe. On the contrary, the essence of bail in this jurisdiction is to ensure that the defendant is available (appearance) whenever he or she is needed in court for trial. Respondent therefore prayed this Court to dismiss and denied the prayer as contained in Informant's Bill of Information because this case was never heard by the full bench of this Honorable Supreme Court for Bill of Information lie. We quote below the full text of respondents' returns:

"RESPONDENT'S RETURN

NOW COME RESPONDENTS in the entitled cause of action and most respectfully pray Your Honors and this Honorable Court to deny the issuance of Alternative Ex Parte Order which seeks to set aside, restrain and inhibit the ruling of Her Honor Mardea Chenoweth 1st respondent, admitting 2nd respondent Oliver P, Dillon to bail for the following legal and factual reasons to wit:

1. That as to counts one (1) and two (2) of Informant's Bill of Information, Respondents say same present no traversable issues.
2. Respondents say that, "A Bill of Information will lie to prevent a Judge or any Judicial Officer who attempts to execute the mandate of the Supreme Court in an improper manner from doing so.' A Bill of Information will also lie to prevent whomsoever from interfering with the Judgment and or Mandate of the Supreme Court. See Rule 12 of the Rules governing the Honorable Supreme Court of Liberia. This matter has never been brought before the full bench of the Honorable Supreme Court of Liberia.
3. That as to count three (3) of the Informant Bill of Information, Respondents say that Bill of Information will not lie in that, the instructions of His Honor Justice Nagbe, then Chambers Justice was not a mandate of the full Bench of the Honorable Supreme Court of Liberia as provided for under our jurisdiction. The instructions of His Honor Justice Nagbe was clear that the presiding Judge His Honor Roosevelt Z. Willie should resume jurisdiction of the matter and accord the 2nd respondent herein speedy trial as provided for by law. To the contrary, the Informant herein took said instruction as a license to keep the 2nd respondent in prison with no intention whatsoever to bring him to trial as evidenced by the several motions filed at Criminal Courts A, B [First Judicial Circuit] and the 13th Judicial Circuit Court.
4. Respondents further say that Bill of Information will not lie because the full bench of the Honorable Supreme Court has not given a mandate that was not executed or respected by any subordinate court. The 1st respondent herein did not refuse any mandate of the Honorable Supreme Court of Liberia for which a Bill of Information

lie. The Supreme Court of Liberia has repeatedly held, literally without number, that ordinarily, in order for a Bill of Information to be granted, the matter forming the basis of the information must have been pending before the Court, or decided by it; there must be an act to usurp the province of the Court; there must exist some irregularities obstruction in the execution of the Supreme Court's mandate; or there must have been a refusal to carry out the Supreme Court's mandate. *Liberia Aggregate Corporation V. Taylor et al.* 1988 LRSC 31; 35LLR 3,8 (1988).

5. That as to count four (4) of the Informant Bill of Information, Same presents no traversable issue as same is a recital of the law. Hence, same should be denied.
6. That as to count five (5) of the said Bill of Information, Respondents say same should be denied and dismiss in that the instructions of the Chamber Justice to His Honour Judge Roosevelt Z. Willie to resume jurisdiction of the murder case was not a mandate of the full bench of the Honorable Supreme Court of Liberia for Bill of Information to lie. For an Informant to come to the Honorable Supreme Court of Liberia by way of a Bill of Information the full bench of the Honorable Supreme Court must have sat on a particular case and a mandate given to a subordinate court and said mandate is not enforced or obey as mandated. Hence, Bill of Information cannot lie in this instance case.
7. That as to court six (6) of said Bill of Information, respondents say same should be dismissed because said count is a gross misrepresentation of the facts. At no time did the 1st respondent herein develop interest in this case. In fact, what is the yard stick used by the Informant herein to determine what is referred to as strong interest? In this jurisdiction, any party can move the court by asking for assignments. In this instant case, it was the 2nd respondent herein that asked for his case to be assigned for hearing in order to be given speedy trial. There nothing illegal about that.
8. Further to count seven (7) above, respondents wonder whether the Informant expects the 1st respondent to do its work. For the informant herein to expect the 1st respondent or any Judge for that matter to assign case(s) of those who are languishing in prison without trial, is a clear admission that the Republic of Liberia through State Lawyers are only interested in keeping defendants in prolong pre-trial detention with no intention of seeking assignments for trial or to grant them speedy trial. Said action on the part of state lawyers is not only a violation of the constitutional rights of those in detention but a gross violation of their fundamental human rights as provided for by the Liberian constitution and other human rights protocols that this Republic has acceded to. This Supreme Court in the case: *Sarr VS R.L 29LLR*. Syll. 12 said... 'A court can never be an agent or instrument of any government nor can it align itself with the prosecution in any case.' Further, in the same case cited above, This Supreme Court said 'The proper duty of the court is to defend the rights of the weak against the strong. All the 1st respondent did was to protect and defend the basic rights of the 2nd respondent, a weak vessel against the all-powerful Republic of Liberia. Hence, Bill of Information cannot lie because there was no mandate from the full bench Supreme Court of Liberia that was disrespected by the 1st respondent.
9. That as to count seven (7) of the Bill of Information, same should be denied in that, the reasons put forward to request the court for two weeks continuance were not legal grounds but rather to enhance their grand and wicked design to keep the 2nd respondent in prison without any intention to bring him to speedy trial. The Motion for Continuance was done in bad faith and was purely intended to use the court and the 1st respondent as instruments in their grand design to violate the rights of the 2nd respondent. All the 1st respondent (Judge) did was to put the informant on notice that

if they continue with any dilatory tactics to delay the proceedings, she would be constrained to admit the 2nd respondent to bail. And true to her suspicion, the informant did not come to court as mandated to start the trial but rather came with another motion for the respondent Judge to recuse herself from the proceedings. The Motion for recusal was resisted by the 2nd respondent and the motion was assigned for hearing on Thursday, March 19, 2020, at the hour of 10am. Although the sheriff returns showed that both counsels for the prosecution and the defense/ 2nd respondent were served, the informant/prosecution did not come to court neither did they give any reason as to why they were not present in court. It was that irresponsible and disrespectful behavior and attitude to the court that prompted the 1st respondent (Judge) to have granted the 2nd respondent bail. Respondents say that the behavior of informant herein clearly shows that the informant/prosecution had no intention to have proceeded with the trial but rather to keep the defendant/2nd respondent in prison as long as they wish. Hence, Bill of Information will not lie.

10. That as to count (8) of the Bill of Information, Respondents wonder what were the condescending comments and threats made by the Respondent Judge in the presence of the 2nd respondent in open court? It would have been proper, and legal for the Informant to have stated those condescending comment and threats to give this Honorable Court a clear picture of what is being alleged? In this jurisdiction, he who alleges is under both moral and legal obligation to prove what he/she alleges. In the absence of any proof, such allegation should not be taken seriously. Hence, same should be denied.
11. Further to count ten (10) above, Respondents wonder how could the Informant herein could have informed the 1st respondent that the issue of admitting the 2nd respondent to bail was MOOT when the issue of bail was never brought up and nor raised or argued. Respondent say and maintain that at no time was the issue of placing the Defendant/ 2nd respondent on bail was raised in court with the informant. This assertion or allegation that the 1st respondent was advised that placing the 2nd respondent on bail was MOOT is totally untrue and it is the imagination of someone. Lawyers are by ethical and professional standards estopped from misleading the court.
12. As to count nine (9) of the Bill of Information, Respondents say they cannot form believe as to [the] truthfulness of said allegation. But assuming without admitting that the 1st respondent overruled Justice Nagbe's Instruction, Bill of Information is not the proper remedy available to the Informant because the full bench of this Honorable Court has not pass on this case. In this jurisdiction, for Bill of Information to lie, a Judge or Judicial officer must disobey a Mandate of the Honorable Supreme Court.
13. As regards count (10) of the Informant's Bill of Information, respondents submit that assuming without admitting that the 1st respondent erred in her decision to grant the 2nd respondent bail and the 1st respondent did not hear the Motion of rescue herself as was prayed, respondent submit that Bill of Information is not proper remedy to seek redress but rather through a Petition for the writ of Certiorari. Hence, said count should be denied and dismiss.
14. Further to count (11) Of the Informant's Bill of Information, respondents submit and say that the 1st respondent committed no egregious judicial error when she admitted the 2nd respondent to bail in that, from the action of the prosecution/informant, there was no intention whatsoever that they were ready to proceed with the trial. The courts are independent intuitions that protect the rights of party's litigants. The 1st respondent is under no legal obligation to pass on the Motion to Recuse herself before taking action to protect the constitutional and fundamental rights of the accused when it clear that the intention of the prosecution/ informants is to unduly

delay the case to the disadvantage of the 2nd respondent who was in prison. 2nd respondent further says that, as a weak vessel against the all-powerful Republic of Liberia, only the court was the only institution to run to in order to protect his right to speedy trial.

15. Again, as to count twelve (12) of the Informant Bill of Information, respondents say and aver that that, assuming without admitting that the 1st respondent was without any legal authority to grant the 2nd respondent bail who is accused of murder, a first degree felony, the respondents maintain and submit that Bill of Information is not the proper remedy. Because, this matter was never brought before the full bench of the Supreme Court. The Supreme Court has held that a bill of information is cognizable before the Supreme Court and can be entertained by it where the mandate of the Supreme Court is being violated, improperly executed, disobeyed, dishonored, etc. *Holder v. The Testate Estate of the Late King Howard* 2014 LRSC 39 (14 August 2014).
16. That as to count 13 of said Bill of Information, Respondents say that they cannot form a belief as to the truthfulness of said allegation in the absence of proof which the Informant is under obligation to provide. As under our system of jurisprudence, he who alleges is under legal obligation to prove same.
17. That as to count 14 of the informant's Bill of Information, respondents say that the right to bail as provided for under Article 21 (c) of the Liberian constitution, does not in any way free an accused from the crime charged or mistakenly give the impression that the accused is falsely arrested and imprisoned on trumped up charges (s) without cause as the Informant wants Your Honors to believe. On the contrary, the essence of bail in this jurisdiction is to ensure that the defendant is available (appearance) whenever he or she is needed in court for trial. In her ruling on March 19, 2020, the 1st respondent Judge of the 13th Judicial Circuit, Her Honour Mardea T. Chenoweth said and I quote, 'Since the Solicitor General is not here, neither did he send anybody, this court will now grant the defendant Oliver P. Dillon bail until the state is ready to carry on this case.' This on the part of Her Honor 1st respondent Judge does not in any way say that the 2nd respondent was falsely arrested and imprisoned. Again, assuming without admitting that the 1st respondent did as alleged, respondent maintains and says that Bill of Information will not lie.
18. That as to count 15 of informant's Bill of Information, respondents say, they are in complete agreement of the Honorable Supreme Court of Liberia opinion found in *Ware VS RL 5LLR 50 (1935)* in syllables 1,2, and 3 quoted by the Informant. However, it is the cold hand of neutrality that the 1st respondent used to protect the constitutional rights of the 2nd respondent to speedy trial. The warning of the 1st respondent/Presiding Judge of the 13th Judicial Circuit Court was the result of the several Motions filed by the prosecution/informant with the sole purpose/motive to unnecessarily delay the case. The prosecution/informant has shown no desire whatsoever that it is interested to go to trial. First, it was a motion for continuance filed on the 26th of February, 2020, second the, County Attorney, Cllr. H. Deddeh Wilson then filed another motion recusing herself from the trial thus, another postponement, thirdly Assistant Minister Wesseh A. Wesseh made another motion for continuance from the February 2020 term of court to the May 2020 term of court and lastly another motion by the Solicitor General for the Judge to recuse herself from said case. All these motions were all intended to delay the case and thus keep the 2nd respondent in prolonged detention.
19. That as to count 16 of the Bill of information, respondents say that it upon the Informant to show evidence that there was conflict of interest as alleged. The burden of proof is on the Informant to prove that there was conflict of interest on the part of the

1st respondent. As he who alleges is under obligation to proof. In the absent of such evidence, bill of information will not lie. Hence same should be dismissed and denied.

20. That as to count 17 of the Bill of Information, Respondents say and maintain that it is blatant lie that there was a bail hearing. However, assuming without admitting that the Judge err, Respondent maintain that Bill of Information will not lie in that, PART 12. (a) of the rule of court states that....' A Bill of Information will lie to prevent a Judge or any Judicial Officer who attempts to execute the mandate of the Supreme Court in an improper manner from doing so.' This matter was never brought before the full bench of the Honorable Supreme Court of Liberia.
21. That as to counts 18 and 19 of the Bill of Information, respondents say that Bill of Information will not lie because, no issue has been raised that involved any mandate of the Honorable Supreme Court of Liberia. A Bill of Information will lie to prevent a Judge or Judicial officer who attempts to execute the mandate of the Supreme Court in an improper manner from doing so. A Bill of Information will also lie to prevent anyone whomsoever from interfering with the Judgment and/or mandate of the Supreme Court.
22. Respondents deny all and singular the averments of both law and facts as contained in Informant's Bill of Information that are specifically traversed in Respondents' Returns.

WHEREFORE AND IN VIEW OF THE FOREGOING, Respondents pray Your Honors as follows:

1. That Your Honors should dismiss and denied the prayer as contained in Informant's Bill of Information because this case was never heard by the full bench of this Honorable Supreme Court for Bill of Information lie.
2. That Your Honors will grant unto Respondents any other further relief that Your Honors may deem just, legal and equitable in the premises.

Respectful submitted
Respondent by and thru his Legal Counsel
Law Offices Sayeh & Sayeh
Corner of Randall Street and U.N. Drive
(Opposite J-Mart Furniture Store)
J. Augustine Toe
COUNSELLOR -AT-LAW
G. Wiefueh Alfred Sayeh
COUNSELLOR-AT-LAW”

After having carefully perused the bill of information, the returns thereto filed by the respondents, and having read the briefs submitted by the counsels representing the parties and listened to their arguments presented before us, we have determined that there are two (2) principle issues for the determination of this case. They are:

1. Whether or not a judge of a subordinate has the legal authority to set aside, overrule, modify or annul the ruling, decision, order, judgment or mandate of a superior court in this jurisdiction.

2. Whether or not a ruling, decision, order, judgment or mandate of a Justice in Chambers to a subordinate court constitutes a Mandate of the Supreme Court of Liberia, when violated or improperly executed, a Bill of Information will lie?.

We shall discuss the issues in the order as presented, starting with the first issue - Whether or not a judge of a subordinate has the legal authority to set aside, overrule, modify or annul the ruling, decision, order, judgment or mandate of a superior court in this jurisdiction.

Recourse to the records in this case reveals that the informant is basically challenging the authority of the resident Judge of the 13th Judicial Circuit Court, Margibi County, to review and set aside the ruling of Associate Justice, His Honor Joseph N. Nagbe, Justice presiding in Chambers during the March A.D. 2019 term of this Court. The informant asserts that the 1st respondent judge is without the legal authority to determine whether the ruling of the Associate Justice Nagbe is consistent with law or it is in the best interest of justice or otherwise. The petition filed informs us that even though the Associate Justice presiding in Chambers of this Court made a determination on July 25, 2019 on the issue of granting bail to the 2nd respondent and ordered the judge of the court below not to release the 2nd respondent on bail until the final determination of the case based on the offense that he is charged with, a non-bailable offense, the 1st respondent chose to proceed contrary to the ruling of the Justice, and released the 2nd respondent on bail. Informant argued that the Justice in Chamber set aside the ruling of the lower court judge and ordered that the 2nd respondent should remain in prison pending the outcome of the case; because the crime charged is not a bailable offense. This ruling of the Chamber Justice was accepted by the parties because there was no exception taken or appeal announce to the full bench. In the face of this ruling, the 1st respondent granted bail to the 2nd respondent. The Informant argues that if the decision of a Justice is disrespected or disregarded, it is improper to go to another Justice for remedy. If that is done, the issue of concurrence would be properly and legally raised. The only remedy that is available for the State in this case, given the facts and circumstances, is Bill of Information. This is the reason why the State filed this Bill of Information, requesting this Court's intervention. Informant maintains that action of the 1st respondent is not only a violation of the law, but a flagrant and brazen disrespect to the authority of this high Court; and it undermines the hierarchical structure of our judicial system hoary with age in this jurisdiction.

The respondents also argue that whether or not the Judge Presiding Judge in the lower Court erred, Bill of information is not the proper remedy. The office of the Bill of Information is misapplied or misused. For Bill of Information to lie there must be a judgment or opinion of the Supreme Court that is misapplied, disrespected, improperly executed or disregarded.

In the instant case, there is no judgment or opinion from this Court that was misapplied or improperly executed as far as they are concerned. Respondent therefore requests this Court to dismiss this Bill of Information because it is out of the ambit of the law. It is an abuse of the office of the Bill of Information.

We observed that the respondent failed to address the issue of whether or not the 1st respondent review or set-aside the ruling of Mr. Justice Joseph N. Nagbe in respect to the issue of bail for the 2nd respondent. Counsels representing the respondents evaded this issue and give the Court the impression that the informant is improperly before this Court and that the bill of information filed should not be given credence; but dismissed in its entirety. We strongly disagree with respondents and say that this Court has the authority to ensure that decisions, orders, judgments or mandates emanating from this Court must be obeyed and enforced by all courts within this jurisdiction. Whether or not it is derived from the Justice in Chambers of this Court or from the Court en banc, it must be implemented and not review by any person or persons. The Supreme Court is the final arbiter of justice in this Republic. Article 66 of the Constitution (1986) gives the Supreme Court the authority to speak with finality on all legal issues. When this Court speaks, no one speaks in respect to that controversy. Article 66 of the Constitution states:

“The Supreme Court shall be the final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases whether emanating from courts of records, courts not of records, administrative agencies, autonomous agencies, or any other authority, both as to law and fact except cases involving ambassadors, ministers or cases in which a county is a party. In all such cases, the Supreme Court shall exercise original jurisdiction. The Legislature shall make no law or create any exceptions as would deprive the Supreme Court of any of the powers granted herein”. [Emphasis supplied].

All decisions, judgments or rulings emanation from this Court on issues raise by parties or by the Court itself, both factual and legal, cannot be reviewed, modify or reversed by any subordinate Court or branch of government or any person whosoever. Any attempt to do so is contemptuous and punishable by law. The Supreme Court will not hesitate to drastically deal with any person(s) who attempt to review or modify, in any form or manner, the decisions or judgments of this Court.

The facts of this case revealed that an application for bail was filed with the Criminal Court “A”, First Judicial Circuit, Montserrado County, Republic of Liberia. The Judge in his wisdom and understanding of the law granted the application and ruled that the 2nd respondent would be released on bail. The informant, being dissatisfied with the ruling of the trial judge, took exception to the ruling and give notice to the court below that it would take advantage of the laws controlling. Thereafter, the informant filed a petition for the writ of certiorari with

the Justice presiding in Chambers during the March A.D. 2019 term of this Court. The records show that hearing was had and the Justice ruled reversing the earlier decision of the trial judge to grant bail to the 2nd respondent and ordered that the 2nd respondent should remain in prison pending the final determination of the case. Counsels for the 2nd respondent did not take exception to this ruling and announce an appeal to this Court en banc as required by law. It is the right of the losing party to appeal from the ruling of a Chamber Justice to the full bench of this Court. 2nd respondent rights to appeal and give this Court the opportunity to review the decision of the Justice in Chambers were aborted in its entirety based on the failure of counsels to appeal the decision of the Justice in Chambers. This indicates that the issue of bail for the 2nd respondent was permanently finalized consistent with the ruling of the Justice in Chambers. Whether or not Mr. Justice Nagbe was justified by denying the 2nd respondent bail, the issue became moot as a matter of law.

Section 2.7 of the New Judiciary Law gives the Chief Justice the exclusive authority to appoint or to designate a justice to preside in the chambers of the Honorable Supreme Court for a term. The law states that:

“2.6 Justice presiding in Chambers”

“At all times, in all term and out of term. There shall be a justice presiding in the chambers of the Supreme Court who shall be designated by the Chief Justice in regular rotation from among the Associate Justices, and no such Associate Justice designated shall delegate his power to another”

From the clear meaning of the statute, we say it is the prerogative of the Chief Justice to designate a Justice to sit in chambers of this Court at all times. The Justice sitting in Chambers of this Court is an integral segment of the Supreme Court of Liberia. He/she sits as an embodiment of the Court with the authority to hear and determine cases or complaints emanating from lower courts and makes decisions consistent with law. Even though decision made by the justice in chambers is reviewable by this Court en banc, provided however a losing party takes advantage of appeal. Therefore it is incumbent and legally compelling upon all judges of subordinate courts to adhere to, respect and enforce all decision, rulings, and judgments of justices presiding in chambers of the Supreme Court. Failure to comply and/or implement the judgment, ruling and decisions of Justices presiding in Chambers is reprehensible. We hold that the 1st respondent, Judge Mardea Chenoweth, resident Circuit Judge, 13th Judicial Circuit Court, Margibi County, 1st respondent herein, disobeyed, disregarded and disrespected the July 25, 2019 final ruling of our esteem colleague, Mr. Justice Joseph N. Nagbe, Justice presiding in Chambers for the March A.D. 2019 term of this Court, by granting bail to the 2nd respondent even though the Justice had ruled that the 2nd respondent should not be granted bail. The action of the 1st respondent is an affront to the dignity of this Court and a gross disrespect to the authority vested in this

Court by the Constitution of the Republic of Liberia. The Supreme Court shall not condone or overlook blatant and deliberate disrespect to the decision made by this Court or a member of this Court assigned in Chambers. It is only the Court en banc that has the constitutionally vested authority to review, reverse or modify a decision of any of its members; but not a circuit judge. Whether or not the decision of the Justice in Chambers is legally justified or not, judges of subordinate courts are required by law to obey and enforce it consistent with law. The illegal act of the 1st respondent to grant bail to the 2nd respondent in the face of Mr. Justice Joseph N. Nagbe's ruling on the issue of bail is contemptuous. She is hereby held in contempt of this Court and suspended as a Circuit Judge for the period of three (3) consecutive months without pay. Her suspension takes effect as of the date of the delivery of this opinion. She is hereby advised to turn over all Government properties in her possession to the Office of the Chief Justice pending the expiry of her the period of suspension. The 1st respondent is also ordered to proceed forthwith at the James A.A. Pierre Judicial Institute for a course on the Structure of the Liberia Judicial System and its legal implication for the entire period of her suspension.

We shall now address the next issue, same being Whether or not a ruling, decision, order, judgment or mandate of a Justice in Chambers to a subordinate court constitutes a Mandate of the Supreme Court of Liberia, when violated or improperly executed, a Bill of Information will lie?. We say yes.

Under the controlling law in this jurisdiction, a Bill of Information will lie where there is a showing that the Mandate of the Supreme Court is being interfered with or is being executed in an improper manner. A Bill of Information will also lie to prevent a judge or any judicial officer who attempts to execute the mandate of the Supreme Court in an improper manner and to prevent anyone whomsoever from interfering with the Judgment and/or Mandate of the Supreme Court. (See *Revised Rules of the Supreme Court, V part 8, page 71.*); *Seke et al. v. Yancy et al.* 30LLR 403 (1982).

Counsels for the respondents eloquently argued that the instructions from His Honor Justice Joseph N. Nagbe to Judge Willie, resident Circuit Judge, First Judicial Circuit, Criminal Court "A", Montserrado County, cannot be construed as a judgment or mandate from the Honorable Supreme Court of Liberia for bill of information to lie. In fact, he argued, the instruction was never directed to the 1st respondent; but assuming without admitting that the mandate was directed to the 1st respondent and violated, bill of information will not lie; because, this Court has repeatedly held, literally without number that ordinarily, in order for a bill of information to be granted, the matter forming the basis of the information must have

been pending before the court, or decided by it; there must be an act to usurp the province of the Court; there must exist some irregularities or obstructions in the execution of the Supreme Court's mandate; or there must have been a refusal to carry out the Supreme Court's mandate. Respondents further argued that the petition for the writ of certiorari that forms the basis for the bill of information was never filed before the Supreme Court; hence, the Supreme Court of Liberia never gave a judgment or mandate that was not executed or disobeyed for bill of information to lie. That the ruling of the 1st respondent to grant bail to the 2nd respondent did not usurp the province of the Supreme Court of Liberia; or disobey its judgment or mandate. That the 1st respondent ruling was in direct response to the instruction of Mr. Justice Joseph N. Nagbe that the 2nd respondent be tried expeditiously in keeping with law.

We are not persuaded by this argument. As we said earlier in this opinion, the Justice assigned in Chambers during the term of Court is an embodiment of the Supreme Court of Liberia. It is a segment of the Supreme Court charged with the responsibility to entertain applications for remedial writs, give interim orders and make determination in keeping with law. Decisions made by the chamber justice, if not appealed from to the Court in banc, become final and enforceable as a matter of law. Its enforcement is in the form and manner of that of the enforcement of the mandate of the Supreme Court of Liberia. The Justice in Chambers is not a Circuit Judge that has concurrent jurisdiction with circuit judges. He/she sits as a segment of this high Court and should be accorded all respect and deference as a member of this Court. His/her decision cannot be reviewed, reversed or modify by any single member of this Court; except by the full bench of the Supreme Court.

We note further that wherever there is an interlocutory ruling that settles a legal controversy to its finality in a particular case, a judge is required by law to take judicial cognizance of that ruling and act accordingly. Assuming that it was a judge of concurrent jurisdiction that handed down the ruling by denying the 2nd respondent bail, the 1st respondent would have been without the legal authority to review or set aside that decision of a judge of concurrent jurisdiction; more than this, a Justice of the Supreme Court of Liberia. A Chamber Justice acts for and on-behalf of the Court in all matters in which parties desire interim relief and file remedial writs. That is why a Justice will always be available in chambers, in term or out of term, to address these matters for and on behalf of the Court. From the facts and circumstances of this case, the Justice in chambers had made a determination of a legal controversy relating to the denial of bail for the 2nd respondent. This decision was final based on the fact that there was no appeal taken. In the face of its violation or improper enforcement or neglect, the only remedy available is bill of information to the full bench of the Supreme Court. As a segment or embodiment of the Supreme Court, and as the Justice

who acts for and on behalf of the Court in respect to issuance or consideration of remedial processes or interim orders, the Justice in Chambers ruling, if not appeal from, becomes final as a matter of law. Therefore an irregular enforcement or interpretation or neglect and/or disregard of that mandate by a lower court judge cannot be a subject of a remedial process before another justice of concurrent jurisdiction, except by a bill of information before the full bench of the Supreme Court. We hold that a ruling, decision, order, judgment or mandate of a Justice in Chambers to a subordinate court, if not appealed from, constitutes a decision or mandate of the Supreme Court of Liberia, when violated or improperly executed, bill of information to this Court en banc is the appropriate remedy. We herewith restate, reaffirm and confirm the position of this Court that in order for a “Bill of Information” to be granted the matter forming the basis of the information must have been pending before the Court, or decided by it; there must be an act to usurp the province of the Court; there must exist some irregularities or obstruction in the execution of the Supreme Court mandate; or there must have been a refusal to carry out the Supreme Court’s mandate. *Intestate Estate of the late Sarah Sirleaf v. El-Bim et al.* [2013] LRSC 35 (July 15, 2013) citing *Liberia Aggregate Corporation v. Taylor et al.* [1988] LRSC 31; 35 LLR 3, (1988); *Massaquoi Fahnbulleh v. Urey and Massaquoi* [1977] LRSC 5; 25 LLR, 432, 435-6 (1977); *Barbour-Tarpeh v. Dennis* [1977] LRSC 11; 25 LLR 468, 470 (1977); *Kromah v. Badio and Hill* [1986] LRSC 11; 34 LLR 85, 86 (1986); *Butler-Abdullah v. Pearson et al.* [1989] LRSC 46; 36 LLR 592, 597-8 (1989); *Jawhary v. Jones*, [1998] LRSC 9; 38 LLR 584, 593-4 (1998); *Corporation V. Taylor et al.* 1988 LRSC 31; 35LLR 3,8 (1988).

The informant’s bill of information being consistent with law in this jurisdiction is hereby granted. The 1st respondent was legally and administratively out of order when she ignored and disregarded the ruling of our distinguished Colleague, Mr. Justice Joseph N. Nagbe. The said ruling is hereby set aside consistent with this opinion; however, the 2nd respondent shall remain out of prison but shall file additional surety to guarantee his day to day appearance in court pending the final determination of this case. The presiding Judge of the 13th Judicial Circuit Court is hereby ordered to give priority to the hearing and determination of this case during the August A.D. 2020 term of Court.

The clerk of this court is hereby ordered to send a mandate to the court below ordering the judge presiding therein to ensure that this judgment is fully and expeditiously implemented. Accordingly the Chief Justice of the Supreme Court of Liberia shall inform the resident Circuit Judge of the 13th Judicial Circuit Court, Margibi County, Judge Mardea Chenoweth of her suspension consistent with this opinion. It is hereby so ordered.

Information granted.

Cllr. Sayma Syrenius Cephus, Solicitor General, Republic of Liberia appeared for the Informant; and Cllr. J. Augustine Toe appeared for the respondents.