

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2023

BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE..... ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE

IN RE: THE REQUEST FOR PARDON OF CLINTON BROWN, CITY MAJOR, DANIEL S. TUBMAN, COMMISSIONER, JOSEPH KOLLIE, ACTING PARAMOUNT CHIEF, ROBERT SULU, ACTING GENERAL TOWN CHIEF, VARNEY SIRLEAF, CULTURE INSPECTOR AND MILLER BONDO, YOUTH PRESIDENT WHO WERE CONVICTED AND SENTENCED BY THE SUPREME COURT FOR CRIMINAL CONTEMPT OF COURT.

Heard: April 5, 2023

Decided: April 12, 2023

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

On December 15, 2022, this Court adjudged the petitioners herein, Clinton Brown, Daniel S. Tubman, Joseph Kollie, Robert Sulu, Varney Sirleaf, and Miller Bondo, guilty of criminal contempt of the Judiciary Branch of Government for acts that impugned its dignity and integrity and undermine the smooth administration of justice in three Magisterial Courts in Bong County.

Having served a little over three (3) months of their sentence of six (6) calendar months at the Monrovia Central Prison, the said contemnors are again before this Court albeit on a petition for remission of their sentence.

Recourse to our Opinion in the contempt proceedings against the petitioners herein shows that all petitioners serve in diverse capacities in local government under the Executive Branch of Government *viz.*: Commissioner, Acting City Mayor, and Acting General Town Chief. In the said contempt proceedings, although the amici curiae recommended that the herein petitioners be forwarded to the Executive Branch for criminal investigation, and based upon the report therefrom, the petitioners be appropriately sanctioned, the Supreme Court disagreed with said recommendation. The Supreme Court speaking through Madam Chief Justice Sie-A-Nyene G. Yuoh opined thus:

“...this Court disagrees with the recommendation of the amici curiae and says that contempt proceedings by the Supreme Court is independent and exclusive of any criminal or other investigations conducted by the Legislative or Executive Branches of Government or other institutions. The Supreme Court has the inherent constitutional duty to protect the sanctity and dignity of the Judiciary, especially the lower courts and its officers. In fulfillment of this obligation, the Supreme Court is not bound to wait for the conclusion of any criminal or other investigations before imposing penalties on persons whose conduct have been determined to be contemptuous, predicated on credible investigative reports which implicate the contemnors and which the said contemnors have not refuted nor rebutted; this Court shall not condone any act that interferes with the independence and integrity of the Judiciary. Therefore, we shall neither refuse jurisdiction nor fail to take cognizance

of contempt merely because the same acts and conduct for which the contempt proceedings have been instituted are being investigated by the Executive Branch of Government or other institutions simultaneously...”

WHEREFORE AND IN VIEW OF THE FOREGOING, the contemnors are hereby adjudged guilty of criminal contempt of the Judiciary Branch of Government and are hereby sentenced to imprisonment in a common jail for a period of six (6) calendar months commencing as of the date of rendition of this Opinion and Judgment...”

The records show that on March 28, 2023, the petitioners addressed a letter to Her Honor Sie-A-Nyene G. Yuoh, Chief Justice, Supreme Court of the Republic of Liberia, acknowledging therein the contemptuous nature of their actions which culminated in the contempt proceedings against them and expressed regret for their respective roles. We quote below the said communication, to wit:

“Her Honor Sie-A-Nyene G. Yuoh
Chief justice
The Honoranle Supreme Court
Republic of Liberia

Your Honor:

We extend you our warmest greetings and heart-felt compliments as you and the other Justices on the Bench do your best judicially to make Liberia a better place for all of us.

Your Honor, we write to first of all acknowledge our wrong-doing in relation to the incident that has landed us at the Monrovia Central Prison, which incident was perpetrated against one of your judicial officers assigned in Bong County.

Your Honor, we do realize the inappropriateness of our action and write to express our profound apologies for what happened. We truly regret our role. As appointed officials of the Executive, we should have helped to uphold the law of the Republic and have respect for the judicial process, and not circumvent it.

In view of the foregoing, we appeal to your office to kindly forgive us and release us from prison. We promise never ever to repeat what happened. In addition, Your Honor, many of us have either fallen ill or are experiencing other life-threatening situations, and your compassionate intervention will be highly acknowledged and appreciated.

Thanks in advance, Your Honor, for your compassionate response in relation to our situation and appeal...”

On April 4, 2023, following the submission of the letter quoted above, the petitioners then filed the present *In Re Proceedings* praying this Court as follows, to wit:

“WHEREFORE AND IN VIEW OF THE FOREGOING CIRCUMSTANCES, contemnors most respectfully pledge never to undermine the authority and administration of the law; disrespect or disregard and interfere with or otherwise carry out acts that tend to impede, embarrass, and obstruct the court in the discharge of its duties. Contemnors most respectfully request the Court and prays for the Court’s mercy and pardon.”

Similarly, on April 5, 2023, the contemnors, *viz.*: Daniel Tubman, Clinton Brown, Robert Sulu, Miller Bondo, Varney Sirleaf and Joseph Kollie, executed a sworn peace bond by and thru their natural sureties in persons of Honorable J. Marvin Cole, Representative of District # 3, Bong County, and Counsellor George D. W. Sagbeh, also of Bong County. The said notarized peace bond essentially averred as follows:

“That we, here named contemnors and their sureties, do hereby jointly, severally and firmly bound ourselves, our legal representatives, assigns and successors-in-interest unto the Honorable Supreme Court of Liberia and acknowledging the following:

1. That we recognize the confrontation against judicial officers by members of the Traditional Society that undermined the function of the Judiciary and administration of the law was wrongful.
2. That we acknowledge that we appointed officers of the Executive Branch of Government and must at all times help to uphold the law of the Republic of Liberia.
3. That we by this peace bond pledge to remain at all times law abiding, and promise to uphold the integrity and dignity of the courts within the Republic of Liberia

That we, J. Marvin Cole, Representative of Bong County and Cllr. George D. W. Sagbeh, natural sureties, are law abiding citizens of Liberia and have promised to produce the herein named contemnors for further proceedings before the Court were they to be found in acts inimical to the Court’s authority and shall be made to face the full weight of the law.”

We note that a request for pardon or remission of a sentence imposed by the Supreme Court for contempt is not a novelty. The Supreme Court was presented with similar facts and circumstances about seventy years ago in the case *In re: Coleman et al*, 11 LLR 432 (1953), when two counsellors of the Supreme Court Bar were attached in contempt of court for instituting injunctions to prevent or impede the execution of the Court's mandate, adjudged guilty and suspended from the practice of law for a period of three years. Having served their respective suspension for a certain period, the two counsellors petitioned this Court for remission of their suspension from the practice of law. In granting the petitioners' request, this Court enunciated two principles: (1) that the matter required discretion more than application of law and (2) that it is within the power of the Supreme Court to extend mercy to the petitioners if their conduct and attitude since their suspension warranted same. We are of the considered view that the aforementioned principles are applicable to the instant case.

The records show that the six petitioners named herein were adjudged guilty of criminal contempt of court and ordered remanded at the Monrovia Central Prison on December 15, 2022 up to and including the filing of their petition for a pardon on April 4, 2023, that is, more than three months since their incarceration. In their petition, the petitioners vowed to never do anything that may impugn the dignity and integrity of our courts, expressed penitence to remain peaceful and law abiding citizens, and executed a peace bond along with two natural sureties in persons of Honorable Marvin Cole, a representative of Bong County in the 54th Legislature and Counsellor George D. W. Sagbeh, a member of the Supreme Court Bar. It is therefore our considered opinion that considering the gravity of the facts and circumstances of the contempt proceedings against the petitioners which resulted into their incarceration, the petitioners should be granted a parole rather than a pardon.

“Parole [is] the conditional release of a prisoner from imprisonment before the full sentence has been served ... Parole is usually granted for good behavior on the condition that the parolee regularly report to a supervising officer for a specified period. The essence of parole is release from prison, before completion of the sentence, on condition that the prisoner abide by certain rules during the balance of the sentence. Parole is not freedom.” 59 Am. Jur. 2d Pardon and Parole § 6 (1987).” *Black's Law Dictionary Ninth Ed*, page 1227

“Pardon [is] the act of or an instance of officially nullifying punishment or other legal consequences of crime.” *Page 1355*

In this regard, the petition for a pardon is granted with modification, that is, instead of a pardon, the petitioners are granted a parole. They are ordered released from the common jail at the Monrovia Central Prison and further ordered to report once monthly to the ministerial officer of their respective Magisterial Courts who shall record their attendance to court until the expiration of their jail term as a way of demonstrating further and true penitence.

WHEREFORE AND IN VIEW OF THE FOREGOING, the request for release is granted. The Clerk of this Court is ordered to forthwith issue their release and place same in the hands of the Marshall of the Supreme Court, to have the contemnors released from further detention. AND IT IS HEREBY SO ORDERED.

When this case was called for hearing, Counsellors George W. Sagbeh and Oscar V. Bloh of Sagbeh & Sagbeh Law Chambers and Tax Legal Services, Inc., respectively, appeared for the contemnors.