



ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

In the Honorable Supreme Court of the Republic of Liberia
Sitting in its March Term, A.D. 2015

Present: His Honor: Francis S. Korkpor, Sr. Chief Justice
Present: His Honor: Kabineh M. Ja'neh. Associate Justice
Present: Her Honor: Jamesetta H. Wolokolie. Associate Justice
Present: His Honor: Philip A. Z. Banks, III Associate Justice
Present: Her Honor: Sie-A-Nyene G. Yuoh. Associate Justice

Isaac Clark of Monrovia Central Prison, City of Monrovia,
Liberia FIRST PETITIONER

AND

Blamo Weah et.al. SECOND PETITIONERS

Versus

Her Honor Ceaineh C. Johnson, Assigned Judge Criminal Court "E"
Temple of Justice, Monrovia, Liberia, His Honor James B. Cooper,
Stipendiary Magistrate, West Point Magisterial Court and the
Ministry of Justice, thru the office of the City Solicitor

..... RESPONDENTS

PETITION FOR
WRIT OF MANDAMUS

GROWING OUT OF THE CASES:

Isaac Clark, of Monrovia Central Prison, City of Monrovia,
Liberia MOVANT

Versus

James B. Cooper, Stipendiary Magistrate, West Point, Magisterial Court
And the Ministry of Justice, Republic of Liberia RESPONDENT

AND

Ministry of Justice, Blamo Weah et.al. MOVANTS

Versus

Her Honor Ceaineh C. Johnson RESPONDENT

SUMMARY
PROCEEDING

GROWING OUT OF THE CASES:

Republic of Liberia PLAINTIFF

Versus

Isaac Clark, of Monrovia Central Prison, City of Monrovia,
Liberia DEFENDANT

STATUTORY RAPE

AND

Republic of Liberia PLAINTIFF

Versus

Blamo Weah et. al. DEFENDANTS

STATUTORY RAPE

JUDGMENT

When this case was called for hearing, Counsellors James C.R. Flomo and Elijah Y. Cheapoo Sr., of the Public Defenders for Montserrado County, Republic of Liberia, in association with Counsellor J. Laveli Supuwood, appeared for the petitioners.



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Counsellor Betty Lamin Blamo, Solicitor General, Republic of Liberia, appeared for the respondent.

Having carefully examined and reviewed the facts and circumstances of this case, listened to the arguments advanced by counsels for the parties, and in due consideration of the laws applicable, it is hereby

ADJUDGED:

That the judge of Criminal Assizes "E", First Judicial Circuit, Montserrado County, by her refusal to conduct hearing on the application filed by the State for *nolle prosequoi*, breached a duty imposed on her to conduct hearing on said application. It is the exclusive legal authority of the State to or not to prosecute a crime and it amounts to judicial abuse for the court to institute enquiry to authenticate the claim of the State that it lacks sufficient evidence to prosecute a case. In the case at bar, this breach attained an elevated magnitude given the fact that the petitioners, in whose favour the application for *nolle prosequoi* was duly filed, had been in detention without being indicted far beyond the time allowed by statute.

For the failure to perform this legal duty, the writ of mandamus is hereby ordered issued directed at the judge presiding therein to forthwith conduct a hearing on the said application for *nolle prosequoi* and appropriately act thereon.

This Court holds, also, that the further refusal by the co-respondent judge to hold a hearing on the "*summary proceeding*", in which several issues were raised, including a constitutional challenge to the Act Creating Criminal Court "E", presents additional ground sufficient to order the issuance of a writ of mandamus.



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The judge had a duty to conduct a hearing on the "summary proceeding" and on determination that constitutional question/s had been raised, to forward the matter to the Honourable Supreme Court for disposition thereof. This again the judge failed to do. However, these constitutional questions having been dealt with by this Court in this petition, there is no further need for the issuance of a writ of mandamus for the trial court to conduct a hearing on the said "summary proceeding".

The Clerk of this Court is hereby ordered to send a mandate to the judge presiding in the court below to resume jurisdiction over the case and give effect to this Judgment. AND IT IS SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE
SUPREME COURT OF LIBERIA, THIS 7TH DAY OF AUGUST,
A.D. 2015.

Francis S. Korkpor, Sr.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA

Kabineh M. Ja'neh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

Jamesetta Howard Wolokolie
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

Philip A. Z. Banks, III
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

Sie-A-Nyene G. Yuoh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA