



ASSOCIATE JUSTICE  
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH  
TEMPLE OF JUSTICE  
MONROVIA, LIBERIA

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
OCTOBER TERM, A.D. 2017

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR. ....CHIEF JUSTICE  
BEFORE HIS HONOR: KABINEH M. JA'NEH .....ASSOCIATE JUSTICE  
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE .....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: PHILIP A.Z. BANKS III .....ASSOCIATE JUSTICE  
BEFORE HER HONOR: SIE-A-NYENE G. YUOH ..... ASSOCIATE JUSTICE

Hon. Evans V. Koah, Rep. Candidate, District #7 )  
Lower Nimba County.....APPELLANT )

Versus )

The National Elections Commission (NEC) )  
.....1<sup>st</sup> APPELLEE )

AND )

Hon. Roger Domah (UP), District #7 Lower Nimba )  
County.....2<sup>nd</sup> APPELLEE )

APPEAL  
MOTION TO DISMISS

**GROWING OUT OF THE CASE:**

Hon. Evans V. Koah, Rep. Candidate, District #7 )  
Lower Nimba County.....COMPLAINANT )

Versus )

Roger Domah (UP), Representative Candidate )  
Candidate, District #7, Nimba County ..... )  
.....DEFENDANT )

ELECTION  
IRREGULARITIES

**JUDGMENT**

When this case was called for hearing, Counsellor Cooper W. Krauh, Sr., of the Henries Law Firm appeared for the appellant. Counsellor Joseph N. Bliidi,





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In-House Counsel of the National Elections Commission (NEC), and Counsellors F. Musah Dean and C. Alexander B. Zoe appeared for the 1<sup>st</sup> appellee. Counsellor S.L. Lofen Keneah appeared for the 2<sup>nd</sup> appellee.

Having reviewed the facts and circumstances of this case, listened to the arguments advanced by both parties, and taken note of the law applicable thereto, it is hereby

ADJUDGED:

That the records having established that the appellant's inability to file his bill of exceptions with the Board of Commissioners of the NEC within 48 hours as prescribed by law was due to the absence of the Magistrates of Elections from his assigned post in Electoral District #7, Nimba County, the Board of Commissioners of the NEC was in error in ascribing the late filing of the bill of exceptions to the appellant;

That it is a cardinal principle of law that one who hears a case must be the one to decide. In the instant case, the Magistrate of Elections having heard the complaint, subject of this case, should have signed the ruling, signifying that indeed he made the decision. Such a responsibility should not have been delegated to the Hearing Officer who did not hear the case. Hence, the Hearing Officer not having sat and heard the complaint, his signing and issuing of the ruling on behalf of the Magistrate of Elections renders said ruling null and void and of no legal effect. Therefore, the ruling of the Board of Commissioners of the NEC is hereby reversed.

The case is remanded with instructions that the Magistrate of Elections who heard the complaint should enter a ruling thereon. The 48 hours period for





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perfecting the appellant’s appeal with the Board of Commissioners NEC, shall take effect as of the signing and delivery of the ruling of the Magistrate of Elections.

The Clerk of this Court is hereby ordered to send a mandate to the National Elections Commission (NEC) to give effect to this Judgment. **AND IT IS HEREBY SO ORDERED.**

GIVEN UNDER OUR HANDS AND THE SEAL  
OF THE SUPREME COURT OF LIBERIA, THIS  
20TH DAY OF DECEMBER, A.D. 2017.

FRANCIS S. KORRPOR, SR.  
CHIEF JUSTICE, SUPREME COURT OF LIBERIA

KABINEH M. JA'NEH  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

JAMESETTA H. WOLOKOLIE  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

PHILIP A.Z. BANKS, III  
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