



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. 2017.

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, IIIAssociate Justice
Present: Her Honor: Sie-A-Nyene G. Yuoh.....Associate Justice

Liberia National Union (LINU), True Whig Party (TWP), Victory For Change Party (VCP), Vision for Liberia Transformation (VOLT), Change Democratic Action (CDA), Grassroot Democratic Party of Liberia (GDPL), Democratic Justice Party (DJP), Liberia for Prosperity Party (LFP), Redemption Democratic Congress (RDC), New Liberia Party (NLP) and Movement for Progressive Change (MPC), all of the City of Monrovia, Liberia
.....MOVANTS/2ND APPELLEES

VERSUS

Lavela Koboi Johnson, Sr. of the City of Monrovia, Liberia
.....RESPONDENT/APPELLANT

Growing Out Of:

Lavela Koboi Johnson, Sr. of the City of Monrovia, Liberia
.....APPELLANT

VERSUS

The Board of Commissioners, National Elections Commission (NEC).....1ST APPELLEE

AND

Liberia National Union (LINU), True Whig Party (TWP), Victory For Change Party (VCP), Vision for Liberia Transformation (VOLT), Change Democratic Action (CDA), Grassroot Democratic Party of Liberia (GDPL), Democratic Justice Party (DJP), Liberia for Prosperity Party (LFP), Redemption Democratic Congress (RDC), New Liberia Party (NLP) and Movement for Progressive Change (MPC), all of the City of Monrovia, Liberia.....2ND APPELLEES

GROWING OUT OF THE CASE:

Lavela Koboi Johnson, Sr. Of the City of Monrovia, Liberia.....APPELLANT

VERSUS

John K. Wonschleay, Esq. Hearing Officer National Elections Commission (NEC)..... 1ST RESPONDENT

MOTION TO DISMISS
APPEAL

APPEAL



ASSOCIATE JUSTICE
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AND

Liberia National Union (LINU), True Whig Party (TWP), Victory for Change Party (VCP), Vision for Liberia Transformation (VOLT), Change Democratic Action (CDA), Grassroot Democratic Party of Liberia (GDPL), Democratic Justice Party (DJP), Liberia for Prosperity Party (LFP), Redemption Democratic Congress (RDC), New Liberia Party (NLP) Movement for Progressive Change (MPC), all of the City of Monrovia, Liberia.....2nd RESPONDENTS

GROWING OUT OF THE CASE:

Lavela Koboi Johnson, Sr. of the City of Monrovia, Liberia
.....PETITIONER

VERSUS

Liberia National Union (LINU), True Whig Party (TWP), Victory for Change Party (VCP), Vision for Liberia Transformation (VOLT), Change Democratic Action (CDA), Grassroot Democratic Party of Liberia (GDPL), Democratic Justice Party (DJP), Liberia for Prosperity Party (LFP), Redemption Democratic Congress (RDC), New Liberia Party (NLP) and Movement for Progressive Change (MPC), All of Monrovia, LiberiaRESPONDENTS

PETITION TO BAR

RESPONDENTS FROM PARTICIPATION IN THE OCTOBER 2017 PRESIDENTIAL & LEGISLATIVE ELECTIONS FOR VIOLATION OF THE ELECTIONS LAW AS AMENDED & PUBLISHED DECEMBER 15, 2014

JUDGMENT

When this case was called for hearing, Counsellors Famere G. Stubblefield, of the Stubblefield, Nigba and Associates, Sayma Serenius Cephus of the Justice & Peace Interest Consortium Africa (JUPICA), Milton D. Taylor, of the Taylor and Associates Law Offices, and Emmanuel Tulay of the Tulay & Associates Law Firm, appeared for the movants/2nd appellee political parties. Counsellor Lavela Koboi Johnson, Sr., of the Century Law Office, in association with Counsellor Amara M. Sheriff of J. Johnny Momoh & Associates Legal Chambers, Inc., appeared for the respondent/appellant. Counsellors Joseph N. Bliidi, In-House Counsel of the National Elections Commission, F. Musah Dean, Jr., and C. Alexander B. Zoe, appeared for the 1st appellee, National Elections Commission.



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Having carefully reviewed the facts revealed by the records, listened to oral arguments presented by counsels for the parties, and duly considered the laws applicable in this case, it is hereby

ADJUDGED:

That the movants/appellees' contention that the respondent/appellant failed to perfect his appeal thereby depriving this Court of jurisdiction to review the case on its merits, being unsubstantiated by the records, and the records having further indicated that the respondent/appellant complied with the relevant Elections Law and Civil Procedure Law, this Court holds that it is seized of jurisdiction to dispose of appellant's appeal on its merits. Accordingly, movants/appellees' motion to dismiss the appeal is hereby denied and dismissed.

That an allegation without proof is dismissible as a matter of law. In the instant case, the respondent/appellant having failed to present any evidence to substantiate his allegation that the appellee political parties did not submit listings of thirty seven (37) candidates, each, to contest in fifty percent (50%) of the seventy three (73) Electoral Districts in Liberia, as mandated under Section 4.5 (1) (a) of the New Elections Law, to warrant their disqualification from participating in the ensuing October 2017 Presidential and Legislative Elections, the said allegation cannot be sustained.

That the court does not extrapolate where the language of a statute is plain and unequivocal. The statutory language of section 4.5(1), (1a), which states that "*Any Political Party which has been registered by the Commission shall send to the Commission a list of the candidates who will stand for election to the several elective offices in several constituencies*" and "*The list of candidates sent by a political party to the Commission for an Election must include a candidate for at least half of all the constituencies in the elections*", being clear on its face, this Court holds that the submission by the challenged political parties of listings of thirty seven (37) or more candidates for at least thirty seven (37) electoral constituencies, representing fifty percent (50%) or above the seventy three (73) electoral districts, placed them in full compliance with the requirements of the New Elections Law. Accordingly, the final ruling of the Board of Commissioners of the NEC to that effect confirming the ruling of the Hearing Officer and dismissing the petition, is confirmed and affirmed.



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That the Board of Commissioners of the NEC's reversal of the Hearing Officer's imposition of Five Hundred United States Dollars (US\$500.00) is also affirmed as the fine lacks any legal or factual basis.

WHEREFORE and in view hereof, respondent/appellant's appeal is hereby denied and dismissed. The Clerk of this Court is hereby ordered to send a mandate to the Board of Commissioners, National Elections Commission (NEC), to resume jurisdiction over this case and give effect to this this Judgment. AND IT IS SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA, THIS 23rd DAY OF SEPTEMBER, A.D. 2017.

SEAL:

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

Kabinch 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