

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
SITTING IN ITS OCTOBER TERM, A.D. 2024

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

JUDICIAL INQUIRY COMMISSION'S REPORT ON COMPLAINT FILED AGAINST  
MAGISTRATE MELVIN BAH OF THE PAYNESVILLE MAGISTERIAL COURT BY  
PRECIOUS J. EARLY TO THE JUDICIAL INQUIRY COMMISSION.

HEARD: November 14, 2014

DECIDED: February 18, 2025

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

The facts in this case reveal that Precious J. Early filed a complaint before the Office of the Chief Justice, Her Honor Sie-A-Nyene G. Yuoh, in which she alleged that she is the Attorney-In-Fact of one Docomma Collins who is currently residing in the United States of America; that her principal asked her to remove a tenant from her (Docomma) house that she (Precious) is managing, which she did. Thereafter, the complainant said her principal asked her to find a tenant for the said apartment which she did.

After the tenant had occupied the house and paid a rental fee of One Thousand Five Hundred and Sixty United States Dollars (US\$1560.00) per annum, the complainant principal informed her that she will be coming to Liberia and that she wants to reside in her apartment for the time that she will be in Liberia. Complainant informed her principal that doing this would cause a problem as the tenant had just resided in the house for two (2) months and had ten (10) more months remaining on her rental payment, but her principal was adamant that she wants to reside in the house when she comes to Liberia. Two days later, the complainant received a call from the Ministry of Justice and was invited to the Zone 8 Police Station and when she got there, she met a guy and a lady named Gloria who informed her that her principal had requested that she turn the house key over to Gloria and when she inquired how the tenant in the house was going to get her refund, they informed her (complainant), that when she turn the key over, the tenant would get her refund but the police later advised her that she take the matter to court. The complainant (Precious) proceeded to the Paynesville City Magisterial Court and filed a complaint before Magistrate Ferkerson Aneye, and a summons was issued for a conference. At the first conference, Precious, the complainant made a refund of the full amount owed to the tenant, that is One Thousand Five Hundred and Sixty United States Dollars (US\$1,560.00) and the tenant was instructed to turn the keys of the house over to the

court with the agreement that she would be reimbursed before the keys of the house be turned over to the landlord or the owner's family.

However, upon her return to the court for the next sitting, Magistrate Ferkerson informed her that the house key was turned over to the principal's family by Magistrate Melvin Bah in his absence. When the complainant, who was not aware or notified of this, called Magistrate Bah to inquire why he gave the key to her principal's family, Magistrate Bah told her to sue the family because if she doesn't sue, she will not get her money.

The complainant, being dissatisfied with the actions of Magistrate Bah, filed a complaint before His Honor, Justice Yamie Quiqui Gbeisay, Sr., who was a circuit judge then. Magistrate Bah was served a summon to appear and after the second summons was served, Magistrate Bah appeared and when he was asked by Justice Gbeisay why he gave the keys to the house owner's family, his response was because the family wanted to see in the house. Magistrate Bah was then instructed by Justice Gbeisay, then a circuit judge to return the keys to Magistrate Ferkerson as the matter was not before him.

After some time, about three (3) weeks, the keys were returned to Magistrate Ferkerson who later informed the complainant that he (the magistrate) was informed that a new tenant was already in the house and as such, he declined to take the key because it was of no use, as someone was already in the house.

The complainant again informed Judge Gbeisay, now Justice Gbeisay who sent out another summons to Magistrate Bah but Magistrate Bah refused to come and sent an excuse which led the complainant to file a complaint before the Chief Justice.

The Chief Justice forwarded the complaint to Justice Wolokolie, who was heading the Judicial Inquiry Commission (JIC) at the time requesting that the commission conduct an investigation into the matter and submit its findings to the Bench en banc. Later, Justice Gbeisay was assigned by the Chief Justice to chair the JIC during which time an investigation into the said matter was conducted. We must note that Justice Gbeisay recused himself from the investigation because he had previously played a role in the matter when he was a circuit judge.

Magistrate Bah was contacted by the JIC about a complaint filed against him and was asked to file his response to the complaint. Acting upon this order, Magistrate Bah filed his response arguing that: his actions were in line with administrative actions because when he asked the

sheriff to turn the keys over to the landlord's family for inspection, both the stipendiary magistrate and Magistrate Ferkerson was out of the court for separate reasons and since he is the most senior associate magistrate, when the matter was brought before him, he had to take action and his actions fell within the reasonable man's standard; that it was Magistrate Ferkerson's clerk who informed him about the situation that the landlord was requesting the key to go verify if the tenant left the house in good condition, that he believed the clerk and then instructed that the keys be turned over to the landlord and that the sheriff accompany the landlord for the inspection; that he did not read the case file to familiarize himself with the details of the case but believed what the clerk told him because the clerk had worked with the court for two years; that when the complainant realized that he had turn the keys over to the landlord, she was rude to him verbally but he told her to wait until magistrate Ferkerson come back but she decided to take him on summary to Judge Gbeisay, now Justice Gbeisay who ordered him to return the key to the complainant which he did. That his actions were administrative as he was acting as the stipendiary or administrator of the court and he took administrative actions which did not contravene any judicial canon and that his decision to turn the key over to the landlord to inspect the property in the absence of Miss Precious Early (Complainant) was done in good faith.

An investigation was conducted with the JIC finding that Magistrate Bah breached Judicial Canons Eight (8) and Ten (10).

Judicial Canon Eight (8) provides that: *"Courts exist to promote justice thus to serve the public interest. Theirs is the administration of justice, which they must do with speed and care. Every judge should at all times be alert in his ruling and in the conduct of the business of the court, so far as he can."*

Judicial Canon Ten (10) provides that: *"A judge should be temperate, attentive, impartial and since he is to administer the law, interpret it and apply it to the facts, he should be studious of the principles of the law and diligent in endeavoring."*

The JIC then recommended that:

1. Magistrate Bah be made to restitute the amount of One Thousand Five Hundred Sixty United States Dollars (US\$1,560.00) against one year's rent as restitution of the amount owed to Miss Precious J. Early (Complainant); and
2. That Magistrate Bah be suspended for one (1) year without pay.

Thereafter, the JIC forwarded its findings and recommendations to the Bench en banc to which Magistrate Bah excepted and announce an appeal to the Supreme Court.

Magistrate Bah, now appellant has argued before this Court that: his actions were administrative in nature as the Stipendiary Magistrate and Magistrate Ferkerson were out of town on a conference and since he is the most senior Associate Magistrate, he is by law entitled to run the affairs of the court in the absence of the Stipendiary; that since the magistrate for which the matter was before was also absent from the court when the request came to have the keys turned over to the family of the house owner so as to enable them to look and see if there was any damage done to the apartment, he granted the request and instructed the sheriff to go with the parties to the house for inspection and he also ordered that the keys be turned over to the landlord; that when Judge Gbeisay, now Justice Gbeisay summoned him and directed him to turn the key over to the complainant, he unhesitatingly obeyed the said order; that he did not breach any judicial canon as his conduct was not unethical was denied the right to produce witness in his defense thus denying him his Constitutional right to due process. The appellant then prayed this Honorable Court to overturn the JIC ruling and dismiss the recommendations of the JIC.

On review, based upon the factual narrative supra, we find the JIC findings and recommendations proper.

The appellant is a magistrate and as such he should be aware of his functions and scope as a judge. A judge cannot make decision in a matter that is not before him legally or that he has no jurisdiction over. Magistrate Bah's assertion that because both the stipendiary magistrate was absent and Magistrate Ferkerson whom the matter was before was absent, so he, acting as the most senior associate magistrate, had the authority to issue orders in a matter before his colleague says a lot about his understanding of the rudimentary principles of law and his functions as a magistrate. The matter complained about was purely legal and not administrative as the appellant would like to have us believe. How can a matter that was brought to the court via a complaint, conference had in it, actions taken with a second conference pending be an administrative matter? Just how?

This was not an issue of the affairs of the court or issue relating to the running of the court, it is purely a legal issue and as such, the magistrate with whom the complaint was filed was the proper magistrate to act pertaining to the said matter. Moreover, we are baffled by how a judge can concede not to be au courant with the facts of a particular matter but proceed to take action in the said matter. The appellant stated that he was not abreast of the facts of the

case but was informed about the said case by the clerk of his colleague and he believed what the clerk said and then proceeded to take action that affected the case substantially. This action of the judge is wanting and alarming. That a judge, with no proper knowledge about a matter that is not before him will give orders that affect the case directly and substantially.

The proper course of action that the appellant should have taken was to inform the other party that since the matter is already before his colleague who is absent from court, the party requesting the key should come at another date when his colleague will be in court and make the request because he is the magistrate who is handling the matter and who has the authority to make decision in the said matter. The appellant decision to order the clerk to give the landlord family the key in the absence of his colleague and the complainant was unethical and impartial. More than that, his decision has caused another issue to arise in the matter, as the complainant's money has not been refunded but someone is now occupying the property contrary to the agreement between the parties.

This action of the appellant was contrary to the judicial canons that govern judges in our jurisdiction, specifically, Judicial Canon Eight (8) and Judicial Canon Ten (10).

The appellant failed to promote justice and public interest, he wasn't alert in his decision to turn the keys over to the landlord, after his colleague had taking seize of the key. His actions were prompt and ill informed, his decision was rash and not impartial. These actions of the appellant are in sharp contrast with Judicial Canons Eight (8) and Ten (10) of the rules governing the conduct of judges in our jurisdiction.

The appellant has also argued that he wasn't given due process, a claim we find untrue. The appellant was contacted by the JIC about a complaint against him, he filed his response in writing to the said complaint and was later given the chance to appear and give his side of the story in his defense before the commission.

The appellant's claim that he was not given due process stems from the fact that he asked the commission to give him chance to produce extra witnesses in his favor and the commission refused on grounds that the commission is a fact-finding body and that appellant during his testimony admitted to the facts which the commission deemed necessary for a determination by the commission.

We find that the appellant was given due process due to the fact that he filed his response and appeared and testified on his behalf. Due process in this jurisdiction as enshrined in Article 20 (a) of the 1986 Constitution of the Republic of Liberia.

It is our opinion that the appellant was given due process. We also find the appellant's action unethical and in violation of the judicial canons mentioned herein and affirm the Judicial Inquiry Commission's findings and recommendation.

We also hold that the actions of the respondent judge complained of are so callous and reprehensible that the recommended suspension for a total of twelve (12) months is quite appropriate. We hope this will create the deserved deterrence to him and other judges.

WHEREFORE AND IN VIEW OF THE FORGOING, the findings and recommendation of the JIC are affirmed and respondent magistrate suspended for a period of twelve (12) months, and in addition ordered to pay the amount of One Thousand Five Hundred Sixty United States Dollars (US\$1,560.00) to the complainant. At the end of his suspension, if the amount ordered paid is not paid, his suspension remains until he complies. The Clerk of this Court is ordered to inform the parties of this decision. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLORS TOMMY N. DOUGBAH, KUKU Y. DORBOR, BHARTUR CORA HOLMES VARMAH AND J. AWIA VANKAN APPEARED AS *AMICI CURIAE*. COUNSELLOR JOSEPH P. GIBSON APPEARED FOR THE RESPONDENT.