

IN THE HONOURABLE 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: CEATNEH D. CLINTON-JOHNSON..... ASSOCIATE JUSTICE

JUDICIAL INQUIRY COMMISSION (JIC)'S REPORT RELATIVE TO A COMPLAINT FILED BY CHRISTOPHER A. GITTENS AGAINST JUDGE SCHEAPLOR R. DUNBAR, THEN ASSIGNED JUDGE OF THE CIVIL LAW COURT.

Heard: November 14, 2024

Decided: February 17, 2025

MR. JUSTICE KABA DELIVERED THE OPINION OF THE COURT

Mr. Christopher A. Gittens filed a complaint before the then Chief Justice, His Honor Francis S. Korkpor, Sr., against His Honor Judge Scheaplor R. Dunbar, then assigned at Circuit Judge, Civil Law Court, Montserrado County. In his complaint, he alleged that in November 2018, the respondent judge ruled in his favor in an ejectment case involving 25 acres of land; pursuant to the ruling, the court placed the complainant in possession of the property with the aid of the Liberia National Police; that to his utmost surprise, the respondent judge reversed the said ruling, dispossess him and turned the property over to a Nigerian businessman name Tony Lawyal without his knowledge.

The Chief Justice referred the complaint to the Judiciary Inquiry Commission (JIC), the body responsible for probing allegations of misconduct against judges. The JIC accordingly forwarded the complaint to the judge and requested that he file a formal response. As the records show, on March 31, 2022, Judge Scheaplor R. Dunbar filed his response to Mr. Christopher Gittens' allegation.

In his returns, the respondent judge denied the allegations levied against him by Mr. Christopher Gittens. He further averred that on January 31, 2019, Mr. Praise O.T. Lawyal, as petitioner, filed a petition for specific performance in which he prayed the court to compel Mr. Christopher Gittens to put him in

possession of fifteen (15) acres of land that Mr. Gittens had conveyed to him by virtue of an Administrator's Deed executed in his favor by Mr. Gittens. He alleged that the petition and writ of summons were duly served on Mr. Christopher Gittens, and he failed to file any answer/returns to the petitioner's petition. That the matter was heard and granted based upon the issuance of notice of assignment; that Mr. Gittens' lawyer filed a motion to rescind the judgment, which was denied. Mr. Gittens' lawyer entered an exception and announced an appeal, which the court noted and granted respectively; the complainant perfected the appeal, and it is pending before the Supreme Court.

Based on the parties' claims and counterclaims, the JIC ordered an investigation consistent with due process requirements. After investigating the complaint and the response, the Judicial Inquiry Commission (JIC) transmitted a comprehensive report to the Office of the Chief Justice containing findings and recommendations. We hereunder quote the JIC's findings and recommendations.

"FINDINGS:

Based on the facts and investigation, the commission finds the following to wit:

1. This commission says that the JIC does not have jurisdiction to review a Judge's ruling.
2. That the complaint against Judge Scheaplör Dunbar has legal implications over which the JIC does not have jurisdiction.

RECOMMENDATIONS:

Based on our facts and findings, the commission recommends herewith as follow:

That complainant gets a lawyer and pursues his case at the Supreme Court.

Upon receipt of the JIC's final report, the Chief Justice appointed *amicus Curiae* to give an opinion on the report submitted by the JIC, who exonerated the respondent judge for lack of jurisdiction. The *amicus cure* after reviewing the report of the JIC in totality and after taking due consideration of the findings and recommendations in the said JIC's investigative report, recommended that the report of the JIC be endorsed by this Court as there is no showing that the respondent Judge's action breaches any of the

provisions of the Judicial Canons when he presided over the matter out of which the complaint grew.

The determinative issue is whether the JIC's findings and recommendations, as endorsed by the *amici curiae*, are supported by the records of this case.

Our review of the records from the Judiciary Inquiry Commission (JIC) revealed that the action of the trial judge's complaint was based on a judicial determination made consistent with due process of law on a petition for specific performance filed before the court. The investigation further finds that the complainant announced and perfected an appeal as the respondent in the Specific Performance suit. The appeal is pending determination before this Court. Therefore, can this Court take action against the judge for his decision reached when he presided over a case and made a decision and the appeal therefrom is pending before this Court? We answer in a resounding No. The judge is protected in such a regard. Our organic law, Article 73 of the 1986 Constitution of Liberia states:

“No judicial official shall be summoned, arrested, detained, prosecuted or tried civilly or criminally by or at the instance of any person or authority on account of judicial opinions rendered or expressed, judicial statements made and judicial acts done in the course of a trial in open court or in chambers, except for treason or other felonies, misdemeanor or breach of the peace. Statements made and acts done by such officials in the course of a judicial proceeding shall be privileged, and, subject to the above qualification, no such statements made or acts done shall be admissible into evidence against them at any trial or proceeding”.

In the instant case, the matter out of which the complaint grew was an action filed before the judge, who, after having presided over the same without objection, made a decision that the judge felt was sound and consistent with the law. Whether or not the decision is grossly erroneous, the judge is protected by Article 73 of the 1986 Constitution *supra*.

Acts in which this Court can impose a penalty against a judge are encapsulated in the Judicial Canons for the Governance of the Conduct of Judges, which comprise forty (40) provisions. While the judges are placed

under check by these provisions, it is equally important to note that the Constitution protects them, and their rights in exercising their judicial functions are not to be interfered with except as consistent with law. It is not alleged nor was it proven during the hearing of this case that the trial judge, while presiding over this matter, was, i.e., bribed, compromised, conspired with, or expressed interest in the subject property for which his decision was made. Absent any violation of the Canons, this Court is not legally competent to act against the judge for alleged judicial misconduct.

The records have established that the trial court decided the matter out of which the complaint grew in accordance with law, and the appeal therefrom is pending before this Court. Thus, the complaint falls outside the perimeter of the JIC. No judicial act taken by a judge of a subordinate court, *quasi-judicial* forum, or administrative forum is final against the losing party. The right to appeal is inviolable.

After pursuing the records in this matter and the applicable laws, we consider that the JIC properly handled the matter and that the findings and recommendations contained in the report ought not to be disturbed.

WHEREFORE AND IN VIEW OF THE FOREGOING, the report of the Judiciary Inquiry Commission, JIC, is hereby affirmed. 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. Dougba, Kuku Y. Dorbor, Bhartor Cora Holmes Varmah and J. Awia Vankan appeared as *Amici Curiae*. Counsellor Frank F. Nimely appeared for the respondent.