

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

THE GRIEVANCE AND ETHICS COMMITTEE INVESTIGATIVE REPORT  
ON A COMPLAINT FILED BY ASSOCIATE MAGISTRATES THERESA W.  
DERMIE AND KISH-TROKON BEADEH AGAINST COUNSELLOR  
FRANK MUSAH DEAN, JR. AND ATTY. ORLANDO TAMBA

Heard: November 12, 2024

Decided: February 18, 2025

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

Article 75 of the Constitution of Liberia (1986) grants the Supreme Court the exclusive authority to regulate the practice of law in this jurisdiction. In consonance with its constitutional mandate to regulate the practice of law, the Supreme Court holds the power to censure, suspend, or disbar any attorney or counselor-at-law who is found guilty of professional misconduct, malpractice, fraud, deceit, criminal activity, or any behavior detrimental to the administration of justice. *Judiciary Law*, Rev. Code 17:17.7(1).

Pursuant to the aforementioned authority of the Supreme Court as prescribed by law, all complaints of impropriety, ethical misconduct or malpractice against a judge or lawyer are filed before the Chief Justice of the Supreme Court of Liberia, who then forwards said complaints to either the Judicial Inquiry Commission, in the case where the complaint is against a judge, or the Grievance and Ethics Committee (GEC), where the complaint is against a lawyer.

The records emanating from the investigation conducted by the Grievance and Ethics Committee in this matter show that Associate Magistrates Theresa W. Dermie and Kish-Trokon Beadeh filed a complaint against Counsellor F. Musah Dean, Jr., the Minister of Justice, and Atty. Orlando Tamba, respondents herein, on November 11, 2021 alleging therein that Counsellor Dean exerted undue influence on the Stipendiary Magistrate of the RIA Magisterial Court in a case involving the crimes of theft of property and criminal mischief, wherein the defendant, Serena McGee, a relative of Counsellor Dean was prevented from being arrested upon orders of Counsellor Dean; that based upon call from Counsellor Dean to Atty. Tamba, the City Solicitor assigned at the R.I.A

Magisterial Court, the latter recalled the bailiff who had been assigned to effect the arrest of defendant McGee, even though a writ of arrest had already been issued out of the R.I.A Magisterial Court for the said defendant. Given the egregious nature of the allegations, we quote below the entire complaint verbatim, to wit:

“Theresa W. Dermie and Kish-Trokon Beadeh  
ABC Mission, Paynesville City, Liberia  
November 11, 2021

His Honor Francis S. Korkpor, Sr.  
Chief Justice  
Supreme Court of  
Republic of Liberia

**In Re: Complaint against Counsellor Frank Musa Dean and Atty. Orlando Tamba**

It pleases us wholeheartedly to present to you warm compliments and via this medium complain Counsellor F. Musa Dean and Atty. Orlando Tamba for abusing their offices to cause us injury by influencing and/or threatening Magistrate Cecelia Grando Rogers of the RIA Magisterial Court which caused her to violate her duty and act *ultra vires* in a Criminal Mischief and Theft of Property case involving Theresa W. Dermie and Kish- Trokon Beadeh on one hand and Serena A. Mcgee ( Counsellor Dean’s relative) on the other hand.

Your Honor, on Friday, the 10<sup>th</sup> day of September A.D. 2021, Counsellor Dean used his office to hinder law enforcement by purposely interfering with the apprehension of Serena A. McGee, his sister, when he directly called and mandated the City Solicitor at the RIA Magisterial Court to recall Bailiff Jusufu Deyan who had gone to effect an arrest against her for Theft of Property and Criminal Mischief.

Upon seeing Madam Serena A. Mcgee at the Schiefflin Commissioner’s Office, after several failed calls to her brother (Counsellor F. Musa Dean) in my presence for his intervention, she was finally arrested but while en route to the RIA Court, Sheriff Jusufu Deyan called to inform me that he was instructed by the City Solicitor at the RIA Court who had earlier issued the writ, to release Madam McGee based on instruction from his boss, D. Musa Dean. Since I was

already heading to the court along with them riding in another car), I however reached to the Court to verify the information received from the Ministerial Officer. Upon reaching at the court, the City Solicitor, Atty. Orlando Tamba confirmed the information and went further to show me the call log exchange between the Minister of Justice and him on the subject matter. According to him, Counsellor Dean instructed him to let go his sister (Serana A. McGee) and that she would appear on Tuesday, the 14<sup>th</sup> day of September A.D. 2021 with her lawyer.

Surprisingly, Madam McGee appeared on the selfsame date and subsequently on September 16, 2021, but without a lawyer on these occasions, in flagrant disregard to Magistrate Rogers' advice to her. Notwithstanding, the case was reassigned for Tuesday, September 23, 2021, with Magistrate Rogers for the third successive time advising Madam McGee who was not under bail to go home and come with a lawyer at the next meeting.

More disgusting, and much to our dismay and detriment, on Thursday, the 23<sup>th</sup> day of September A.D. 2021, when the case was reassigned, Counsellor Dean again, prior to the hearing of this case used his office and interfered with the prosecution of his sister, Serana A. McGee when he called the City Solicitor and instructed him to drop all charges against his sister. Evident by this is the fact that before the commencement of the case, the very City Solicitor walked out to me and the additional counsel (Jaymiah Taylor) I carried to assist him and told us that he was going to nolle prosequi the case based on strict mandate from his boss, Counsellor F. Musa Dean, and that he could not do otherwise; as a matter of fact, the Magistrate was in the know. When we contacted the Magistrate immediately, she responded: 'I know exactly what to do'.

Frustratingly, at the call of the case, the City Solicitor showed the additional counsel (Jaymial Taylor) the call log between him and Minister Dean during which time he received the instruction to nolle prosequi the case. And in order to effect this mandate, the City Solicitor, while announcing representation, intentionally, knowingly and willfully refused and neglected to announce Jaymiah Taylor who was seated right beside him in the bar, as additional counsel. He then, made his submission to nolle prosequi the case and same was granted by the Magistrate at our detriment regardless of our continuous

presence at the court and all the evidence available to him to prosecute this case.

Likewise, according to Magistrate Cecelia Grando Rogers the Justice Minister threatened her with the sole purpose of influencing her decision which, according to her, forced her to grant the application of nolle prosequi as filed by the City Solicitor without recourse to the law, facts and circumstances. This revelation was made to me at the end of the case when she called me in her office and narrated to me that prior to the ruling, the Justice Minister called her on numerous occasions and used unpleasant words against her and even threatened if she did not adhere to his instructions. ‘My hands are tired, my son. I can stubborn. I don’t want to be in trouble with big people, so you may sue for ejection at the Circuit Court, she concluded.

Similarly, the City Solicitor either out of pretense or actual embarrassment said to me in the presence of Jaymiah Taylor and other lawyers, ‘This is what they always do. They are always in the business of intruding in proceeding at this court even in small cases. This is what they do just to embarrass me’.

Please see attached copy of the Writ of Arrest, Notice of Assignment and Minutes/Ruling of September 23, 2021...”

On March 4, 2022, the GEC, forwarded a copy of the complaint to the respondents and notified them to file their respective responses to the complaint within ten (10) days as of the date of receipt of the complaint.

In adherence to the GEC’s notice, the respondents filed their respective responses to the complaint against them. We also quote verbatim the respective responses of the respondents, beginning with Counsellor Dean’s.

“March 16, 2022

Justice George E. Henries  
Chairman  
Grievance and Ethics Committee  
Temple of Justice  
Monrovia, Liberia

Dear Justice Henries:

We present our compliments and have the honor to refer to the complaint of Mr. Kish-Trokon Beadeh and Mrs. Theresa W. Dermie, who are involved in a land dispute with Mrs. Serena McGill.

In April 2021, Mrs. Serena McGill reported to our office threat against her person, allegedly emanating from individuals who were claiming ownership to her land in Schiefflin. She also informed us that the matter was pending in the office of Hon. Anthony Brown, Sr., Land Commissioner, Schiefflin Township. We sought and obtained confirmation from Hon. Brown that he had invited the parties to his office for a hearing. The hearing was held in July 2021, and it was determined that Mrs. McGill is the legitimate owner of the land. In reaction to this decision, Mr. Kish-Trokon Beadeh and Mrs. Theresa W. Dermie (both Magistrates in Owensgrove and Nimba County, respectively) proceeded to the R.I.A Magisterial Court and obtained a writ of arrest for Criminal Mischief and Theft of Property against Mrs. Serena McGill knowing that criminal proceedings cannot be used to settle issue(s) of title, we opted to review the evidence which formed the basis for the issuance of the writ. As none could be presented, we endorsed the recommendation of the City Solicitor to enter nolle prosequi, without prejudice, until such time when the evidence is presented. Up to and at the time of our writing, we are yet to receive any evidence.

Section 22.2 of the New Executive law, Duties of the Minister of Justice, states:

(a) Procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the courts in which the Republic of Liberia or any officer thereof, as to such officer, is a party or may be interested.

In the absence of the proper evidence, the prosecuting attorney may file a dismissal of the complaint. This is in consonance with Section 18.1 of the Criminal Procedure Law, which states:

The prosecuting attorney may be leave of court file a dismissal of an indictment or complaint or of a count contained therein as to either all

or some of the defendants. The prosecution shall thereupon terminate to the extent indicated in the dismissal.

We deny all and singular the averments of facts and law contained in the complaint which may not have been specifically traversed or addressed.

Kind regards.

Very truly yours,

Frank Musah Dean, Jr.

MINISTER OF JUSTICE/ATTORNEY GENERAL, R.L”

“March 21, 2022

Justice George E. Henries  
Chairman  
Grievance and Ethics Committee  
Temple of Justice  
Monrovia, Liberia

Ref: Response to a Complaint filed by Theresa W. Dermie and Kish-Trokon Beadeh

Dear Justice Henries:

Compliments.

I am pleased to provide clarity regarding the complaint filed to the Grievance and Ethics Committee against me by Theresa W. Dermie and Kish-Trokon Beadeh, dated November 11, 2021, concerning a criminal proceeding that was held at the R.I.A Magisterial Court situated in Unification Town on September 23, 2021, involving the within named complainants as plaintiffs, and Serena McGill, Augustine, Mulbah et al. as defendants.

It can be recalled that, as a City Solicitor assigned at the R.I.A Magisterial Court, I participated in these proceedings up to and

including the period the said case was nolle prosequi without prejudice, due to insufficient evidence to prosecute. This decision of the State was taken with the full knowledge of my boss, the Minister of Justice; however, same was never influenced by my boss contrary to what the complainants are alleging. On the issue of the allegation that I took my phone to prove the alleged interference of my boss, such statement is false and misleading. As a lawyer, client confidentiality is upheld by me, therefore I would not engage myself into any conduct that is completely inimical to the moral and ethical practice of law in this jurisdiction as is being insinuated by the complainants that I disclosed conversation I had with my boss to them prior to the call of the case. Regarding my refusal to announce the so-called additional counsel, this was because Jaymiah Taylor who was brought as additional counsel is not a lawyer in this jurisdiction.

Finally, Atty. Orlando K. Tamba denies each and every allegation of fact and law contained in the complaint and not otherwise specifically traversed in this response.

Kind regards.

Respectfully yours,

Orlando K. Tamba (Atty.)  
City Solicitor, R.I.A Magisterial Court”

We note that Counsellor Dean annexed to his response two (2) exhibits, *viz.*: 1. Official Land Dispute Stop Order & Citation issued on February 9, 2021, ordering stoppage of an alleged foundation work, and citing the interested parties to appear for hearing into the complaint thereof filed by Serena McGill; and 2. Work Permit issued by the Office of the Commissioner dated July 2, 2021.

On April 13, 2022, the GEC, having duly cited both the complainants and the respondents, conducted an official investigation of the complaint, and subsequently submitted its Investigative Report to the Supreme Court *en banc*, holding therein that the respondents were not found to be in violation of the Code of Moral and Ethical Conduct of Lawyers. We quote below pertinent excerpt of the GEC’s Investigative Report:

“...This case presents the issue of the separation of powers in this jurisdiction and in keeping with Constitution of the Republic of Liberia.

Article 3 of the 1986 Constitution of Liberia provides that, the form of Government of this Republic is Republican, with three (3) separate coordinate branches; consistent with the principle of separation of powers and checks and balances; no person holding office in one of these branches shall hold office in or exercise any of the power assigned to either of the other two (2) branches except as otherwise provided in this Constitution.

Even before the adoption of the Constitution of the 1986, as far back as 1944, in the case: **James S. Wiles vs. C.L. Simpson**, replying on the same provisions of the 1847 Constitution, the Supreme Court of Liberia declared that, “Court cannot by injunction, mandamus, or other process control or direct the head of the Executive Department of the State in the discharge of any Executive duty involving the exercise of his discretion ( 8LLR, Text at Page 374). The Respondent Minister of Justice, in his defense cited to the Committee Sections 22.2 and 8.1 of the New Executive Law, which outlined the duties of the Minister of Justice/Attorney General. The exercise of this function is squarely within the province of the Minister of Justice and the exercise of which upon proper foundation is with and by his discretion. The Minister of Justice has pleaded that upon review of the evidence, he found insufficiency in the evidence facts and circumstances to prosecute the case and exercise his discretion to order the prosecuting attorney under his authority to *nolle prosequi* the case. Certainly, the Supreme Court and especially this Committee is without authority to review this exercise of the discretionary powers conferred upon the Executive Branch of Government, through the Minister of Justice.

It is also provided in the Constitution of Liberia that the head of departments in the Executive Branch of government are directly accountable and responsible to the head of the Executive Branch same being the President of Liberia and the abuse, neglect and/or omission in the discharge of their statutory duties only make them accountable to the President of Liberia and any action of their part, being contrary to the statute, make them answerable to the President and not to the Judiciary.

## Conclusion



Following the Parties' explanation and the queries made by the committee members, the Committee's conclusion is that Counsellor Dean and Atty. Tamba were not in violation of the Code for the Moral and Ethical Conduct of Lawyers because they exercise their duties, as prescribed by thy statutory laws of this country.

To review the actions of these officers of the executive branch by the Grievance and Ethics committee, will definitely be a usurpation of the authority of the President of Liberia. Giving these facts and circumstances, if any person feel aggrieved by the actions of the Minister of Justice, the party is at liberty to file a formal complaint to the office of the President of Liberia but the Supreme Court especially through Grievance and Ethics Committee is without authority to review the discharge of the statutory and discretionary duties of the Minister of Justice and his subordinates, who contend that their actions were done in keeping with the statutory laws of the Republic of Liberia.”

Following the submission of the Investigative Report of the GEC to the Supreme Court, the Court appointed some counsellors of the Supreme Court Bar to serve as *amici curie* and mandated the latter to file a brief on the side of the law; the Court also notified the respondents to file their brief.

Having reviewed the records, inclusive of the findings of the GEC and the respective briefs filed by the *amici curie* and the respondents, this Court shall consider the sole issue of whether or not the findings of the GEC is in consonance with the evidence and applicable laws adduced during the investigation of the complaint.

Lawyers who are duly admitted to the practice of law in this jurisdiction are obligated to uphold the honor of the profession by diligently adhering to the rules prescribed by the Code of Moral and Professional Ethics.

The complainants alleged in their complaint that co-respondent Counsellor Dean had abused the powers of his office by hindering law enforcement through his interference to prevent the apprehension of a lady known as Serena McGill, whom the complainants claimed is the sister of Counsellor Dean, notwithstanding that a writ of arrest had been issued out of the R.I.A Magisterial Court for the arrest of the said Serena McGill on the charges of criminal mischief and theft of property; that Counsellor Dean further influenced and threatened the Stipendiary Magistrate of the R.I.A Magisterial Court, causing her to act *ultra vires*; that co-respondent

Atty. Orlando Tamba, refused to announce the representation of the private lawyer as additional counsel as requested by the complainants, but proceeded to enter *nolle prosequi* the case to the detriment of the complainants.

The records reveal that Atty. Orlando Tamba did enter a submission on the minutes of the R.I.A Magisterial Court to *nolle prosequi* the case against Mrs. Serena McGill, without prejudice, for lack of sufficient evidence, which action he claimed was done with the consent of Counsellor Dean. During the investigation at the GEC, Counsellor Dean presented evidence to substantiate his response that that case emanated from the office of the Land Commissioner of Schiefflin Township. We note that the first instrument was a stop order notice for an ongoing foundation work. However, the said notice does not indicate, neither is there any showing in the records that the complainants were party to the investigation that was allegedly conducted by the Commissioner of Land, Schiefflin Township, or that the stop order notice was addressed to the said complainants. Similarly, Counsellor Dean presented to the GEC a work permit issued by the office of the Land Commissioner of land in favor of Mrs. Serena McGill to substantiate his claim that the case between the complainants and the said Mrs. Serena McGill was a civil action involving land dispute. Again, this instrument does not indicate whether or not that the complainants were involved in the proceedings from which the said work permit emanated, or whether the subject property which the work order covered was the same property in dispute between the complainants and Mrs. McGill.

Howbeit, the complainants' allegation regarding the respondents' abuse of office is premised on the basis that the City Solicitor assigned at the R.I.A Magisterial Court, Atty. Orlando Tamba, failed to announce the private lawyer representing the complainants, but proceeded to *nolle prosequi* the complaint, albeit without prejudice; that Atty. Tamba, acting on the orders of Counsellor Dean, instructed the sheriff to refrain from effecting the arrest of Mrs. Serena McGill for the crimes of Theft of Property and Criminal Mischief.

It is the law that the prosecuting attorney, in this case the city solicitor, may, by leave of court, file a dismissal of an indictment or complaint or of a count contained therein as to either all or some of the defendants. *Criminal Procedure Law*, Rev. Code 2:18.1. Furthermore, the Supreme Court has opined that it is the right and the prerogative of the State to determine whom it will prosecute for the commission of a crime, whom it will exonerate from prosecution, whom it will enter a *nolle prosequi* in favor of in order to have said person used as a witness for the State; that State is not required to state any grounds or reason for entering

a *nolle prosequi* in favour of an accused; that no court can or should question the State for entering a *nolle prosequi* in favour of any one or several accused persons. *Sirleaf v. Republic of Liberia*, Supreme Court Opinion, March Term, 2012.

Accordingly, we herewith confirm the recommendation(s) of the GEC, as the decision to *nolle prosequi* a case is the prerogative of the State. Hence, we hold that the findings of the GEC to the effect that the respondents' action to *nolle prosequi* the complainants' case against Mrs. Serena McGill being within the pale of the law and the purview of the State, the acts of the respondents while serving as prosecutors do not constitute a violation of the Moral and Professional Code of Ethics for Lawyers in Liberia.

WHEREFORE AND IN VIEW OF THE FOREGOING, the Recommendation of the Grievance and Ethics Committee (GEC) is affirmed. The Clerk of this Court is ordered to inform the parties of this Court's Judgment. Costs are disallowed. AND IT IS HEREBY SO ORDERED

*Affirmed*

*When this case was called for hearing, Counsellors J. Awia Vankan, Kuku Y. Dorbor, Bhatu Holmes Varmah and Tommy Dougbah appeared as amici curiae. Counsellor Frank Musah Dean, Jr. appeared pro se for the respondents.*