

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 JUDICIAL INQUIRY COMMISSION REPORT ON MAGISTRATE ERIC N.  
COOPER OF THE BENSONVILLE MAGISTERIAL COURT

Heard: November 13, 2024

Decided: February 18, 2025

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

The Supreme Court via the Judicial Inquiry Commission, (JIC) the arm of the Court authorized by the Judicial Cannons to conduct investigation and submit finding(s) and/or recommendation(s) as regards alleged ethical misconduct of Judges and/or Magistrates, has from its inception been unwavering in its quest to expeditiously dispose of cases regarding the alleged breach of the Judicial Cannons by Judges and Magistrates; that in instances where the allegations contained in letters of complaint are proven as per the dictates of the law, the appropriate punishment is meted out against the Judge and/or Magistrate to whom the alleged ethical misconduct is attributed; however, if the complainant fails to prove the allegations as stated in the letter of complaint, the complaint is dismissed. These standards prescribed for the hearing of alleged ethical misconduct are in consonance with the law that “one who alleges a fact, as in the instant case, must prove his allegations by a preponderance of the evidence; that mere allegations do not constitute proof and that allegations made must be supported by concrete evidence as it is only evidence which enables the court to decide with certainty the matter in dispute.” *Knuckles v. TRADEVCO*, 40 LLR 511, 514 (2001); *V.H. Timber Naca Logging Company et. al v. Kpoto*, 42 LLR 527, 529 (2005); *Williams v. Williams*, Supreme Court Opinion, March Term,

2008; *Kuteh v. NEC*, Supreme Court Opinion, October Term, 2023; Dennis v. NEC et. al, Supreme Court Opinion, October Term, 2023.

It is in adherence to the above-stated principles of law and precedents of this Court, we quote herein below the letter of complaint in its entirety, addressed to the Chief Justice by the complainant, Blamo Morris Tamba against the respondent Magistrate, Eric N. Cooper to determine whether the allegations as contained therein conform with the evidence in support thereof.

“May It Please Your Honor:

Please accept my heartfelt compliment and wish to remind you of the JIC’s Mandate dated March 21, 2021, ordering His Honor Eric N. Cooper of the Bensonville Magisterial Court to issue an assignment in the case Blama Tamba v. Shadrach Bettie and the Mark Bettie Intestate Estate and further mandating the administrators of the said estate to issue a deed to me.

Your Honor, it is worth noting with dismay that since the JIC’s Mandate dated March 21, 2021 was issued till present, His Honor Eric N. Cooper has been very mute and has deliberately refused to call the case, ignoring the Mandate from the Judicial Inquiry Commission, thus making the administrators of the Intestate Estate of Mark Bettie to make fun of me even though I have exerted all the necessary efforts to ensure that my hard-earned property is given to me but to no avail.

Your Honor, anytime I see the illegal occupants on my land and think about the behavior of our legal actors who are supposed to ensure that justice prevails, making fun of peaceful citizens, I wonder if we have true justice system. Howbeit, I am of the conviction that Your Honor will use the appropriate legal means to ensure that I get my land back.

In view of the above facts and circumstances, I therefore request your honorable office to cite His Honor Magistrate Eric N. Cooper of Bensonville

Magisterial Court to show cause why he should not be held in contempt for failing to execute the mandate of the JIC.

Thanks for your prompt consideration in these premises.

Sincerely Yours,

Blamo Morris Tamba”

The Chief Justice Her Honor Sie-A-Nyene G. Yuoh, upon receipt of the aforementioned letter of complaint forwarded same to the Chairperson of the Judicial Inquiry Commission, (JIC), Madam Justice Jamesetta H. Wolokolie, for the conduct of an investigation following which the Committee submits its finding(s) and/or recommendation(s) to the *Court en banc*.

On November 18, 2022, the Judicial Inquiry Commission, forwarded a copy of the complaint to the respondent Magistrate, notifying him to file his response to the complaint within ten (10) days as of the date of receipt of the complaint and be present for an investigation into the complaint on December 7, 2022. In compliance thereto, the respondent Magistrate filed his response within the required timeframe.

On December 7, 2022, the JIC, having duly cited the parties, conducted an investigation into the complaint, and subsequently submitted its Investigative Report to the Supreme Court *en banc*, following which the Chief Justice as per the dictates of the relevant Rules of Court appointed four (4) Counsellors of the Supreme Court Bar to serve as *amici curiae* and mandated them to file a brief on the side of the law; the Court also ordered the respondent to file his brief. The records show that the *amici curiae* did not file their brief within the timeframe as ordered by the Court. Hence, the Court, invoking the applicable Rules of Court, ruled that it will enter upon the records and make a decision.

Having stated the above, we proceed to review the finding(s) and/or recommendation(s) of the JIC's Investigative Report, relevant excerpt of which we quote as follow, to wit:

“Based upon the investigation, the Commission finds as follows:

1. That the delay tactics by Shadrick Bettie and the administrators of the Intestate Estate of Mark Bettie were intentionally intended to steal from the complainant (Mr. Tamba).
2. That Magistrate Eric Cooper, upon receipt of the JIC's Mandate instructing him to have the administrators of the Mark Bettie Intestate Estate issue a deed to the complainant, did not inform the JIC about the difficulties faced in trying to give effect to its Mandate, especially as the request from the JIC was for him to try and seek an amicable solution between the parties.

Recommendations:

Based on the facts and findings stated herein, we wish to recommend the following:

1. That the JIC can no longer handle this matter but request it to be referred to the Criminal Court “A” for the appropriate redress.
2. That Magistrate Eric N. Cooper turns over the case file to the Clerk of Criminal Assizes “A.”

Before proceeding to review the finding(s) and/or recommendation(s) of the JIC's Investigative Report, we note from the records that an action of theft of property by deception was first filed before Magistrate Garnett then assigned at the Bensonville Magisterial Court; that Magistrate Garnett, having issued notices of assignment on the parties for the hearing of the case, began hearing of the case, but did not conclude the matter upon reassignment to another Magisterial Court by the Chief Justice; that it was at this point that Magistrate Cooper assumed jurisdiction over the case, issued notices of assignment and assigned the case for hearing; however, his

failure to timely and amicably resolve the matter prompted the complainant to file the first complaint against him before the Judicial Inquiry Commission (JIC). We also see in the records a letter dated March 21, 2021, in which letter, the then Chairperson of the Judicial Inquiry Commission mandated Eric N. Cooper, Associate Magistrate, Bensonville Magisterial Court to ensure that the administrators of the Mark Bettie Intestate Estate issue Mr. Blama an Administrator's Deed for a parcel of land which he purchased and made improvement thereon, and have same presented to him on or before April 7, 2022. This mandate issued by the JIC was an attempt to broker a peaceful resolution of the land dispute from which the present complaint emanates. It is the failure of the respondent Magistrate to execute the mandate of the JIC which is the basis of the present complaint.

It is worth noting also that, the crux of the matter from which the present complaint against Magistrate Cooper emanates, pertains an alleged breach of contract for the sale of real property involving the complainant and the Shadrach Bettie and the Intestate Estate of Mark Bettie.

We now proceed to review the finding(s) and/or recommendation(s) of the JIC's Investigative Report.

It is the law that "courts to include the Supreme Court and other judicial forums must of necessity take cognizance of their jurisdiction as prescribed by law, since the lack of jurisdiction, renders a judgment therefrom void regardless of the consent of the parties." *Rogers et. al v. Universal Insurance et. al*, 40 LLR 609, 612 (2001); *Sarweh et. al v. NPA*, 42 LLR 436, 439 (2005).

As regards the jurisdiction of the Judicial Inquiry Commission, Judicial Cannons Forty (40) provides as follows to wit:

"An Associate Justice, two Judges of the Court of Record, the President of the Liberia National Bar Association and the Chairman of the Grievance and Ethics Committee of the Supreme Court shall constitute a Judicial Inquiry Commission with the exclusive power and authority to receive and

investigate complaint against Judges of Courts of record and non-record in the Republic of Liberia for violation of any provision of the Judicial Cannons.”

This provision of the Judicial Cannons is clear that the jurisdiction of the Judicial Inquiry Commission is restricted to investigating complaints against Judges and/or Magistrates for violation of any provision of the Judicial Cannons.

In the instant case, we note firstly that the JIC did not find Magistrate Cooper guilty of any ethical wrongdoing or violation of the Judicial Cannons for which the appropriate punishment may be meted out against him. We further take judicial cognizance of the JIC’s finding that Magistrate Cooper faced difficulties in the execution of the JIC’s mandate, albeit his failure to inform the JIC about same; that the Magistrate upon the reading of the Mandate provided the administrators of the Intestate Estate of Mark Bettie two-week timeframe to comply with the Mandate of the JIC, failure of which the administrators would be held in contempt of court; that prior to the expiration of the timeframe for compliance with the JIC’s mandate, the administrator of the Mark Bettie Intestate Estate suddenly escaped from his official residence and is yet to be located, thereby making the enforcement of the JIC’s mandate difficult; that the delay tactics by Shadrach Bettie and the administrators of the Mark Bettie Intestate Estate was a deliberate attempt to steal from the complainant; it is based upon the peculiar circumstances of this case that the JIC recommended that same be forwarded to the Criminal Assizes “A” for appropriate redress.

This Court holds, that both Magistrate Cooper and the Judicial Inquiry Commission (JIC) in an attempt to amicably resolve the present complaint clearly proceeded beyond their scope of authority. For his part, Magistrate Cooper went beyond the scope of cases a Magisterial Court is authorized to hear by law when he heard an action of alleged land transaction between private parties, changed to theft of property by deception and that the

Judicial Inquiry Commission (JIC) acted *ultra vires* when it recommended that the matter be transferred to the First Judicial Circuit, Criminal Assizes “A” for appropriate redress. The Judicial Canons are clear that the jurisdiction of the Judicial Inquiry Commission is restricted to investigating complaints regarding ethical misconduct of Judges and/or Magistrates. Hence, in the instant case, both Magistrate Cooper and the Judicial Inquiry Commission (JIC), having proceeded beyond their jurisdiction by hearing a case involving alleged land transaction between private parties, any judgment emanating from their respective action is void *ab initio*, as a matter of law.

It is also the law that “allegations not denied are deemed admitted.” *In Re: Contempt Proceedings Against Daniel Tubman et. al*, Supreme Court Opinion, October Term, A.D. 2022; *TIC v. MOJ*, 42 LLR 174, 178 (2004). Hence, noting that Shadrach Bettie and the Intestate Estate of Mark Bettie not having denied receiving money from Blamo Morris Tamba, the complainant herein, for a parcel of land for which they are yet to issue him a deed, the complainant is at liberty to file the appropriate legal action before the proper legal forum to protect his interests.

WHEREFORE AND IN VIEW OF THE FOREGOING, the findings and recommendation(s) of the Judicial Inquiry Commission (JIC) are hereby reversed, and although the respondent Magistrate has since retired, he is exonerated from the allegation levied against him. 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 J. Awia Vankan, Kuku Y. Dorbor, Bhatu Holmes Varmah and Tommy Dougbah appeared as amici curiae. No Counsel appeared for the respondent.*

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
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BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....CHIEF JUSTICE  
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BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE

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JUDGMENT

When this case was called for hearing, Counsellors J. Awia Vankan, Kuku Y. Dorbor, Bhatu Holmes Varmah and Tommy Dougbah appeared for the amici curiae. No Counsel appeared for the respondent.

Having carefully examined the facts contained in the records, listened to the arguments on both sides, and considered the laws relevant thereto, it is hereby

ADJUDGED:

That it is the law, that courts of law to include the Supreme Court and other judicial forums must of necessity take cognizance of their jurisdiction since they are bound by law to take notice of the limits of their authority, because where a court or an administrative forum lacks subject-matter jurisdiction over an action, any judgment rendered thereon is void regardless the consent of the parties;

That in the instant case, the Judicial Cannons having limited the authority of the Judicial Inquiry Commission to receiving and investigating complaints against Judges and/or Magistrates for violations of any provisions of the Judicial Cannons, it was *ultra vires* for the JIC to have exceeded its scope of authority by recommending that the matter be transferred to Criminal Assizes “A” for appropriate redress, noting that the case from which the present complaint emanates is still pending before the Bensonville Magisterial Court; and

That that Shadrach Bettie and the Intestate Estate of Mark Bettie not having denied receiving money from Blamo Morris Tamba, the complainant herein, for a parcel of land for which they are yet to issue him a deed, the complainant is at liberty to file the appropriate legal action to protect his interests

WHEREFORE AND IN VIEW OF THE FOREGOING, the Report of the Judicial Inquiry Commission (JIC) recommending that the case be transferred to Criminal Assizes “A” and further ordering that Magistrate Cooper turn over the case file to the Clerk of the Criminal Assizes “A” is hereby reversed. The Clerk of Court is ordered to inform the parties of this decision. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA, THIS \_\_\_\_ DAY OF FEBRUARY, A. D. 2025.

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Sie-A-Nyene G. Yuoh  
CHIEF JUSTICE, SUPREME COURT OF LIBERIA

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Jamesetta Howard Wolokolie  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

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Yussif D. Kaba  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

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Yamie Quiqui Gbeisay, Sr.  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

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Ceaineh D. Clinton Johnson  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

