

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 H I S HONOR : YUSSIF D. KABA ASSOCIATE JUSTICE
BEFORE H I S HONOR : YAMIE QUIQUI GBEISAY, SR..... ASSOCIATE JUSTICE
BEFORE HER HONOR : CEANEH D. CLINTON-JOHNSON..... ASSOCIATE JUSTICE

THE JUDICIAL INQUIRY COMMISSION'S REPORT ON COMPLAINT FILED BY MITCHELL
BARCLAY AGAINST MAGISTRATE HASSAN ZONBO OF THE TUBMANBURG
MAGISTERIAL COURT.

HEARD: November 12, 2025

DECIDED: February 17, 2025

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

The Code of Moral and Professional Ethics for Liberian lawyers ("the Code") regulates the conduct of lawyers in Liberia with respect to their interactions with the courts, clients, litigants, the public, and as well as to serve as a tool for self-assessment and discipline for lawyers in reinforcing and upholding law practice as an honourable profession.

On October 3, 2022, the complainant, Mr. Mitchell Barclay, filed a complaint with the Office of the Chief Justice of the Supreme Court of Liberia against Associate Magistrate Hassan N. Zonbo of the Tubmanburg Magisterial Court, alleging that the Security Director of Mano Palm Plantation Company accused him, along with three other persons, of stealing five gallons of supreme chemical value at US\$39.00; that following a tip off by some friends, he immediately reported himself to the Police Station in Gbah Jarkeh, and was later transferred to the Central Police Station in Tubmanburg, Bomi County, where he was investigated, and forwarded to the Tubmanburg Magisterial Court, instead of the Guthrie Magisterial Court; that upon their arrival, he raised the issue of Jurisdiction because the crime that they were accused of was allegedly committed in the plantation around Gbah Jarkeh, where the Guthrie Magisterial Court is situated; but the respondent, Magistrate Hassan N. Zonbo denied their request and demanded that they file a bond in the amount of US\$250.00, the equivalent of Liberian Dollars L\$37,500; that of the said amount, he paid the initial bond fees of L\$24,930; however, the complainant believed that the bond fee was excessive and in violation of his rights for taking such amount from him as bond, and was still demanding the balance to be carried at the court on Thursday, October 6, 2022.

Based on this, the complainant requested the intervention of the Chief Justice so as to ensure that the matter be forwarded to the appropriate court in Gbah Jarkeh, and to also ensure that

the respondent, Hassan N. Zonbo refund his money and be reprimanded for his unethical conduct.

In furtherance of the procedures in such cases, the Chief Justice forwarded to the Judicial Inquiry Commission (JIC) of the Supreme Court of Liberia the complaint for investigation by the Office of the Chief Justice. The Judicial Inquiry Commission served copy of the Complaint on the respondent, Associate Magistrate Hassan Zonbo and directed that he file his response thereto.

In his response, Associate Magistrate Zonbo, on January 3, 2023, narrated that under our practice, the amount to set a bail bond may be determined either by section 50.9(b) of the Penal Law of Liberia ("double the gain realized by the defendant") or Section 13.2 of the Criminal Procedure Law ("the maximum number of months of imprisonment which may be imposed shall be multiplied by twenty-five dollars to determine the amount of bail"); that he elected to use the provision under Section 13.2 of the Criminal Procedure Law and Section 50.7 (b) of the Penal Law of Liberia to calculate the amount for the cash bond; that the Police charge sheet carried the crimes of Theft of Property and Criminal Conspiracy which are both misdemeanors of the 2nd and 3rd degree, respectively, and the complainant was one (1) of the four (4) defendants who allegedly conspired to commit the criminal offense and were charged as co-defendants; that the bail was set for the amount of One hundred United States Dollars (US\$100.00) or its equivalent in Liberian Dollars for the four (4) defendants at the rate of US\$25.00 per month for four (4) months; that the amount of LD\$14,930.00 was deposited in the clerk of court's Mobile Money account; that at no time did the respondent set bail at US\$250.00; that the money transferred was not L\$24,930, but was L\$14,930 instead; that on the 30th of September A.D 2022, the Tubmanburg detachment of the Liberian National Police investigated, charged and forwarded four suspects to include Mitchell Barclay, Lahai Kpaka, Boima Jah and Jerry Cooper for the crimes of Theft of Property and Criminal Conspiracy; that the issue of jurisdiction was not raised; and the complainant was acquainted of their Miranda Rights, and informed to file a valid criminal appearance bond; that complainant instead elected to file a cash bond on their behalf, which was granted as provided by law; that the matter is pending undetermined due to the constant absenteeism and deliberate refusal of complainant and co-defendants to attend court proceedings upon numerous notices of assignments; and that respondent denies, refutes, rejects and disclaims any and all issues, points, contentions or allegations made in the complainant.

Upon the receipt of the respondent's returns, the JIC convened its investigation on Wednesday, January 11, 2023. The parties appeared and were given the opportunity to

present both oral and documentary evidence to substantiate their respective allegations. Thereafter, the JIC, having reviewed the evidence, submitted its report which contains its findings and recommendations to the Supreme Court for appropriate action in consonance with standard precedents appertaining to such matters.

We quote verbatim the Judicial Inquiry Commission's findings and recommendations as stated below:

"FINDINGS:

1. That the Magistrate Hassan N. Zonbo should have taken note of his jurisdiction over the case and out-rightly refused jurisdiction over the matter.
2. Judicial Canon fourteen "INDUSTRY", which states that a judge should exhibit an industry and application commensurate with the duties imposed upon him to administer, interpret, and apply the law.

RECOMMENDATIONS:

Based on our facts and findings, this Commission recommends the follows:

1. That the Magistrate should dismiss the case because he lacks jurisdiction to preside over the said case;
2. That His Honor, Magistrate Zonbo, be made to destitute the amount of fourteen thousand nine hundred Liberian Dollars (LDS\$14,900) to the complainant which he allegedly stated that the court received and was deposited into the Judiciary account since the complainant exhibited no evidence of the amount said to have been paid to the court."

Subsequently thereafter, upon the receipt of the report of the JIC, a copy thereof was forwarded to the respondent by the Clerk of the Supreme Court, upon orders of the Chief Justice, notifying him to file his brief in consonance with the Revised Rules of the Supreme Court. The Chief Justice further appointed four Counsellors of the Supreme Court Bar as *amici curiae* or friends of the Court, namely Kuku Y. Dorbor, Bhartur Cora Holmes Varmah, J. Awia Vankan and Tommy N. Dougbah to file their *amici curie's* brief.

In the *amici curie's* brief they stated that the single issue determinative of this matter is whether or not the conduct of the respondent Magistrate was in violation of Judicial canon Fourteen (14) for the governance of the conduct of Judges; that the respondent magistrate should have dismissed said action as it relates to territorial jurisdiction and should without request taken judicial notice of the Constitution and of the Public Statutes and common law of the Republic, therefore the JIC report should be upheld.

This Court, after listening to argument pro et con, says that the issue that is determinative of this matter is whether or not the conduct of the respondent is in violation of the Judicial Canon

Fourteen (14) which states that, “A judge should exhibit an industry and application commensurate with the duties imposed upon him to administer, interpret, and apply the law.”

This Court has emphasized time and again, that courts must take judicial notice of the law involving jurisdictional issues; hoary with age, the Supreme Court has held that courts *sua sponte* should take judicial notice of law even if a party does not raise it. In this case, there seems to be a disagreement between the respondent and the complainant, wherein the complainant alleged that he raised the issue of the jurisdiction to the respondent magistrate, but the respondent magistrate denied that the issue was raised. However, the law places a responsibility on the respondent to *sua sponte* take notice of his jurisdiction, and his failure to do so was in violation of Canon 14 as stated by the *amici curiae* and found by the JIC.

This Court says that the complainant exhibited no evidence of the amount said to have been paid to the court but the respondent magistrate did admit to receiving a bond fee of Fourteen Thousand Nine Hundred Liberian Dollars (L\$14,900.00) from the complainant, and the respondent court not having jurisdiction to hear the matter, it must reconstitute said funds.

WHEREFORE AND IN VIEW OF THE FOREGOING, the recommendations of the Judicial Inquiry Commission are hereby affirmed and the respondent magistrate is ordered to dismiss the case and refund to the complainant the amount of Liberian Dollar Fourteen Thousand Nine Hundred Thirty (L\$14,930) which he received as bond fees, within forty-eight (48) hours as of rendition of this Judgment. The Clerk of this Court is ordered to inform parties of this decision. AND IT IS HEREBY SO ORDERED.

WHEN THE CASE WAS CALLED FOR HEARING, COUNSELLORS TOMMY N. DOUGBAH, KUKU Y. DORBOR, BHARTUR CORA HOLMES VARMA AND J. AWIA VANKAN APPEARED AS *AMICI CURIAE*. COUNSELLOR DAVID N. KATIAH APPEARED FOR THE RESPONDENT.