

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
SITTING IN ITS MARCH 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

Layee Kromah of the City of Monrovia, Montserrado )  
County, Republic of Liberia ..... Informant )

Versus )

) BILL OF INFORMATION

His Honor Yamie Quiqui Gbeisay, Sr., Associate Justice, )  
Supreme Court of Liberia, and Chamber Justice for March )  
Term, A. D. 2023, and Rev. Leaid Zeyou of the City of )  
Paynesville, Montserrado County, Republic of Liberia )  
.....Respondents )

HEARD: March 27, 2024

DELIVERED: May 23, 2024

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

In the early part of 2021, the Co-respondent, Rev. Zeyou, alleged that he desired to buy a vehicle. In the process of locating one, he saw a Toyota Tacoma on display in a parking lot with the sign "For Sale" at Iron Factory. One Lasso Trawally appeared and introduced himself as the person in charge of the sale/seller. After some meetings and discussions between the two, it was agreed that the respondent would pay Eight Thousand United States Dollars (US\$8,000) for the said vehicle. The respondent Zeyou stated that he paid the said amount of Eight Thousand United States Dollars by installments, and upon completing the entire payment on July 12, 2021, Lasso Trawally turned over the vehicle to him, along with the keys. A day later, the respondent says that he noticed that there was a mechanical fault that needed to be corrected, so he returned the vehicle to Trawally to have it fixed; after a week and he had not heard from Trawally, and Trawally was not responding to calls from him, the co-respondent said he went to where he had bought the car and noticed that the vehicle was in a garage near the parking lot where he had originally seen it; he inquired concerning the whereabouts of Trawally, and the informant, Layee Kromah, came out and introduced himself as the owner of the vehicle, stating that he had given the vehicle to Trawally to sell, but he had failed to sell it.

Not pleased with the unfriendly posture that was being exhibited by the informant, co-respondent Zeyou said that he decided to seek the Liberia National Police (LNP) intervention, and the matter was taken to the Headquarters of the LNP for investigation. The LNP took possession of the vehicle and began an investigation into the matter.

Co-respondent states that while the investigation was going on, the informant filed a letter of complaint before Criminal Court "C," alleging that the vehicle in question was his and that it had been criminally purchased by the co-respondent. The Judge presiding in Criminal Court "C", Judge Ousmane Feikai, without any information or notice to the respondent, ordered the vehicle released to the informant, and this led him to file a bill of information before the said Judge in Criminal Court "C".

Co-respondent Zeyou contended in his bill of information filed before Judge Feikai that because the police had not concluded its investigation of the informant's allegation of criminal purchase to have him charged, and the court being only a venue for prosecution of persons forwarded to it by the Justice Ministry, he prayed that the jurisdiction of the LNP be restored so that it completes its investigation and determine the appropriate charge.

The co-respondent says his bill of information was not called until Judge Blamo Dixon was assigned to replace the assigned Judge Feikai in Criminal Court "C". Judge Dixon upon his assignment to Criminal Court "C" invited the parties to a conference. After the conference, Judge Dixon declined to act on the bill of information, on grounds that he could not review the action and decision of his colleague, advising that only the Supreme Court could provide the appropriate remedy.

Ceasing upon the advice of Judge Dixon, co-respondent Zeyou said that he filed a petition for a writ of prohibition before the Chambers Justice, His Honor Yamie Quiqui Gbeisay, Sr. naming Judge Ousmane Feikai, Layee Kamara, Lazo Trawally and Alieu Kamara as respondents.

The Chambers Justice cited the parties to a conference, and the conference was attended by the team of LNP investigators conversant with the case. At the end of the conference, the Chambers Justice advised the parties to return and allow the LNP to complete its investigation, and further mandated that if it is established from the investigation that the seller, Lasso Trawally, who is at large, did act as agent of the informant, then the informant should be held liable and should be made to refund the co-respondent's money.

Being dissatisfied with the Justice's mandate, the informant filed this bill of information, naming Justice Gbeisay as co-respondent.

The facts as stated, and a review of the records, reveal that the Chambers Justice did have a conference with the parties and did not issue the alternative writ. The records reflect the following communication sent to His Honor Blamo Dixon through the Clerk's Office, and it reads as follows:

"His Honor A. Blamo Dixon  
Resident Circuit Judge  
First Judicial Circuit  
Criminal Court "C"  
Temple of Justice  
Monrovia, Liberia

May it please Your Honor:

IN RE: Rev. Leaid Zeyou of the City of Paynesville, Montserrado  
County, Republic of Liberia.....PETITIONER

VERSUS

His Honor Judge Ousman Feika, Layee Kamara, Lazo  
Trawally, Alieu Kamara and all those under their scope of  
Authority, of the City of Monrovia, Montserrado County,  
Republic of Liberia.....RESPONDENTS

By directive of His Honor Yamie Quiqui Gbeisay, Sr., Associate Justice presiding in Chambers, you are hereby mandated to resume jurisdiction and order the police to complete the investigation commenced to establish the ownership of the vehicle. If it is found that Lasso was the agent of the owner [informant], that it orders the vehicle's owner to refund the money received from the buyer.

Kind regards."

The informant, Layee Kromah, in the bill of information filed before this Court, complained to the full bench that Justice Gbeisay, Sr., Justice in Chambers, had without issuing the alternative writ or allowing the parties to stipulate, sent the above order to the trial court Judge, and that the Mandate of the Justice denied the informant his right to file returns to the petition, and an opportunity to except and announce an appeal therefrom to the full bench.

The co-respondent Rev. Zeyou, on the other hand, counters that the Chambers Justice, after hearing the explanation of the parties, advised the parties to return and allow the police to conclude its investigation into the allegation of "theft by deception" made by the informant; that the intervention by the trial court had halted and aborted the police investigation which is legally needful to ascertain the charge as alleged. The co-respondent further says that the informant did not object to this advice of the Chambers Justice, and all the parties embraced his advice and returned for the continuation of the investigation by the LNP. However, the

LNP is yet to make known its findings due to the writ issued on the bill of information filed by the informant. The co-respondent prayed the Court to deny the bill of information because the informant had accepted the advice of the Chambers Justice to have the police continue the investigation, and from its findings, the case would be forwarded to the appropriate court.

This Court says that it is not uncommon that parties appearing in a citation for a conference before a Justice in Chambers have, after a discussion of the issue(s) in a petition, reached an understanding without a writ being issued. In such a case, to avoid a further come back by a party, the Court has adopted a practice where the parties write and sign a formal stipulation stating the understanding reached at the conference, or simply sign a stipulation of understanding on the court's file, and the signed understanding communicated by the Clerk of Court to the court below.

Unfortunately, we see no such stipulation of understanding reached by the parties and as alleged by the respondent, and this Court has held that a bill of information will lie where a Justice in Chambers mandates a court below to carry out certain acts without issuance of the alternative writ; *Jawary vs. His Honor Kabineh Ja'neh et al*, Supreme Court's Opinion, March term 2006; *R.L and Karen Gayduo Sehkeporh vs. His Honor Joseph N. Nagbe et al*, Supreme Court's Opinion, October Term 2023.

The full bench, having heard the arguments of the parties, holds that when Chambers Justice Gbeisay noticed or saw during the conference that the matter was not properly before Criminal Court "C", he should have issued the alternative writ, heard the petition, and ruled to give the informant an opportunity to appeal the ruling if he so desired. Where, as the respondent alleges, the parties had consented to the advice of the Chambers Justice to proceed with the police investigation, the Justice then should have ensured that there was a consent signed by the parties as to the understanding reached at the conference.

The letter to Judge Dixon, mandating that the police complete its investigation to establish the ownership of the vehicle, and that if it is found that Lasso was the agent of the owner (informant) the informant be made to refund the co-respondent's money, was a definite decision made by the Chambers Justice without issuance of the alternative writ, and said act, the Court holds, was an error.

Notwithstanding the error assigned to the Justice in Chambers, the Court observes that Judge Feikai, in the absence of an indictment, acted *ultra vires when he took* seize of the matter based on a complaint brought to him by the informant and had the subject vehicle turned over to the informant without a hearing involving the parties.

Our Criminal Procedure Law 14.2 states that petit larceny and all petty offenses shall be prosecuted by complaint. All other complaints shall be prosecuted by indictment and cognizable before the circuit courts. Our Judiciary Law Section 3.2 *ORIGINAL JURISDICTION OF THE CIRCUIT COURTS* also states in paragraph 2, that “Criminal Court C” shall have jurisdiction of offenses against property, narcotic and hallucinogenic drugs. All person charged with any of the offenses shall enjoy the right of jury trial, except a jury trial is waived, and if convicted, shall have the right of appeal to the Honorable, the Supreme Court of Liberia”.

Our criminal courts assume jurisdiction by a writ of arrest or indictment brought before it. In a case where a matter is being investigated by the police, it is the investigation of the police and the findings thereof that normally leads to the determination of the charge and the court to which the charge is cognizable.

This Court therefore, doing what the court below ought to have done, orders that the parties return to the LNP to have it conclude its investigation and make the appropriate recommendation in regards to the matter; that Judge Feikai ensures that the informant appears before the LNP for the investigation, and the subject vehicle is delivered back to the LNP. The parties are at liberty to proceed to the appropriate court for redress based on the LNP report.

WHEREFORE AND IN VIEW OF THE FOREGOING, the bill of information is granted, provided, however, with the proviso that Criminal Court “C” refuse jurisdiction and proceed as above. The Clerk is ordered to send a mandate to the judge presiding in Criminal Court “C” to give effect to the Judgment of this Opinion. Costs are disallowed. AND IT IS HEREBY SO ORDERED.

**WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR MACK A. KOLLIE, II, OF THE WOH & ASSOCIATES LAW FIRM, INC., APPEARED FOR THE INFORMANT. COUNSELLOR OTHELLO G. KRUAH, SR., OF THE HENRIES & KRUAH ASSOCIATES LAW FIRM APPEARED FOR THE RESPONDENTS.**