

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
SITTING IN ITS OCTOBER TERM, A.D. 2025

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE  
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE  
BEFORE HER HONOR: CEAINEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR : BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Marthaline Cole of R2 Community, Robertsfield )  
Highway, Margibi County, Republic of )  
Liberia.....Appellant )

Versus ) APPEAL

Daniel S. Sennah, Isaac Sennah and Thomas )  
Sennah of the Intestate Estate of the late Daniel )  
Sennah, Monrovia, Liberia.....Appellees )

GROWING OUT OF THE CASE:

Daniel S. Sennah, Isaac Sennah and Thomas )  
Sennah of the Intestate Estate of the late Daniel )  
Sennah, Monrovia, Liberia.....Petitioners )

Versus ) PETITION FOR  
WRIT OF CERTIORARI

His Honor George W. Smith, Assigned Circuit )  
Judge, Sixth Judicial Circuit Court, Montserrado )  
County, Republic of Liberia.....1<sup>st</sup> Respondent )

And )

Marthaline Cole of R2 Community, Robertsfield )  
Highway, Margibi County, Republic of )  
Liberia.....2<sup>nd</sup> Respondent )

GROWING OUT OF THE CASE:

Marthaline Cole of R2 Community, Robertsfield )  
Highway, Margibi County, Republic of )  
Liberia.....Informant )

Versus ) BILL OF  
INFORMATION

Daniel S. Sennah, Isaac Sennah and Thomas )  
Sennah of the Intestate Estate of the late Daniel )  
Sennah, Monrovia, Liberia.....Respondent )

Heard: November 17, 2025

Decided: December 18, 2025

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

This appeal emanates from a ruling of our Esteemed Colleague, Madam Justice Ceaineh D. Clinton-Johnson, while presiding in Chambers during the March Term of Court, A.D. 2025, following a hearing on a petition for a writ of certiorari filed by the appellees herein, Daniel S. Sennah, Isaac Sennah and Thomas Sennah of the

Intestate Estate of the Daniel Sennah against the appellant, Marthaline Cole. The Justice in Chambers, having heard the case, rendered her ruling, dated August 26, 2025, granting the peremptory writ of certiorari. The appellant, being dissatisfied with the Chambers Justice's ruling, noted exceptions and announced an appeal to this Court *en banc* for review and final disposition.

The certified records show that Daniel S. Sennah, Sr. died intestate November 2019; that following his death, five of his seven (7) children jointly applied for and obtained Letters of Administration from the Monthly and Probate Court for Montserrado County to administer the deceased's estate; subsequently, the Intestate Estate of Daniel Sennah by and thru its administrators filed a petition for closure of the estate before the Probate Court for Montserrado County; while the petition for closure of the estate was pending before the said court, madam Marthaline T. Cole, appellant herein, on August 3, 2022, filed a bill of information informing the Probate Court as to a certain parcel of land containing three (3) acres allegedly owned jointly by her and her deceased husband Daniel S. Sennah Sr. and which parcel of land the appellee allegedly included as part of the estate's properties.

The appellant, on July 27, 2022, also filed a motion for newly discovered evidence, informing the Probate Court regarding another 0.50 lot of land she personally acquired and constructed two (2) duplexes thereon during her marriage with her deceased husband and which property the appellant claims was improperly included in the estate's properties by the administrators. To support her assertions, she attached a transferred deed to the bill of information and the motion for newly discovered evidence.

The appellees challenged the appellant's deed as being fraudulent, prompting the Probate Judge, His Honor Necular Y. Edwards to render his ruling on the bill of information transferring the matter to the Sixth Judicial Circuit, Civil Law Court, Montserrado County to determine ownership of the disputed property, especially that the matter contained both factual and legal issues, as well as the issue of fraud raised subsequently.

Following the transfer of the case from the Probate Court to the Civil Law Court of the Sixth Judicial Circuit for Montserrado County, trial was scheduled for April 28,

2025 and the party litigants and/or their counsels acknowledged receipt of the notice of assignment. However, the counsel for the appellees notified the court of the unavailability of their material witnesses; hence, an excuse was sought by the counsel for appellees and filed appropriately with the court. Despite the appellees' request, the trial judge proceeded to conduct trial without representation of the appellees, the jury was empaneled and the appellant's first witness took the stand. On April 30, 2025, the appellees filed a motion for recusal against the trial judge, alleging that the trial judge was proceeding contrary to law and established trial procedures and that his action constituted travesty of justice. The motion was resisted and denied, and the appellees excepted.

In continuance of the trial, while the appellant's second witness was being cross examined by the appellees' counsel, one of the appellant's counsels requested that the court be adjourned to enable him seek medical care, even though there was another counsel for the appellant present in court. The excuse was granted by the trial judge.

On the selfsame date, the counsel for the appellees also made an application for the court to be adjourned to allow him seek medical treatment on the next day, same being May 1, 2025.

On May 1, 2025, the trial judge denied the appellees' request in open court and proceeded to hear the case in the absence of the appellees' counsel. He concluded that the appellees and their counsel have abandoned their case due to the multiple continuances they have requested the court, and the recent medical excuse to the court which remained unapproved by the trial judge. Following the denial of the appellees' motion for continuance, and argument by the appellant's counsel, the trial judge charged the jury on the same day, and instructed them to proceed to their room of deliberation. The jury subsequently rendered a verdict of liable against the appellees.

On May 6, 2025, the appellees filed a petition for the writ of certiorari, praying for the issuance of the alternative writ of certiorari to review the decision of the trial judge to the effect that the appellees abandoned their case when a motion for continuance was filed with the court for the appellees' counsel to seek medical attention.

On July 16, 2025, Madam Justice Ceaneh D. Clinton-Johnson, presiding in Chambers during the March Term A.D. 2025, issued the alternative writ, conducted full hearing into the petition and thereafter on August 26, 2025 granted the peremptory writ of certiorari. We quote herein below pertinent excerpts from the ruling of Madam Justice Clinton-Johnson as follows, to wit:

“The issue determinative of this case is whether or not certiorari will lie to correct the trial judge for proceeding with the case in the absence of petitioners’ lawyer despite the fact that petitioner counsel filed an excuse with the court.

This Chambers answers in the affirmative. Civil Procedure Law, Rev. Code:1.16.21 state[s] that “Certiorari is a special proceeding to review and correct decisions of officials, boards, or agencies acting in a judicial capacity, or to review an intermediate order or interlocutory judgment of a court.”

Culled from the records before us, this Court observes that during the trial, the judge proceeded with the ongoing trial after the petitioners’ lawyer has cross examined the 2<sup>nd</sup> respondent’s witnesses. Further, that sometimes during the trial, the 2<sup>nd</sup> respondent’s lawyer, in-person of Counsellor A. Tamba Gborie, in a side bar conversation with the judge and the petitioners’ counsel, requested for continuance to seek medical attention because he was not well; that it was during the same side bar conversation that the petitioners’ lawyer verbally informed the trial judge of his visitation to see the doctor on May 1, 2025, and the trial judge adjourned the case; that is to say the petitioners’ legal counsel verbally sought an excuse from the trial judge for May 1, 2025 to seek medical treatment on the same day that one of the respondent’s counsel also asked for an excuse to seek medical attention which was granted.

The Court also observes that in the face of these two different excuses, the trial judge proceeded to hear the matter on May 1, 2025, in the absence of petitioners’ counsel, which makes this certiorari tenable in that, it was legally sound to have granted such an excuse which was centered on medical reason(s) that was followed by a written communication to the trial court with a medical report attached to that effect, just as trial judge granted Counsellor Gborie’s verbal excuse.

This Chambers sees it as a travesty of justice especially, where the trial had progressively commenced, respondent’s witnesses directed and cross examined by both legal counsels and other witnesses still remaining to testify. At this point in time, with both lawyers seeking medical treatments, it sounds reasonable for the trial judge to have afforded the opportunity to have continued the case instead of proceeding in the absence of the petitioners’ counsel or invoking abandonment for a one day’s absence...

The Court notes that at this point in the trial, the petitioners did not cross examine the respondent's third witness nor did the petitioner have the opportunity to present their witnesses before the court to state their side of the case. Considering the pendency of the matter before the said court in which case a judgment was reserved, certiorari is the appropriate remedy to seek. This Chamber does not see any nature of abandonment for the trial judge to have proceeded and concluded the trial in the absence of the petitioners' lawyer who had sought medical attention with the knowledge of the trial judge and a written communication was submitted to that effect.

When the respondent's counsel made an application on the record for abandonment, which was granted and the matter was proceeded with and the jury's liable verdict was rendered, the trial judge reserved ruling in the matter for May 8, 2025, this Court says that the judge erred to have continue with this matter and so certiorari will lie to correct the trial judge's denial of the petitioners lawyer's letter to seek medical attention while the trial was progressively ongoing, especially where the trial judge previously granted adjournment in the trial to allow one of the 2<sup>nd</sup> respondent's legal counsels seek medical treatment, even though the 2<sup>nd</sup> respondent's second lawyer was available to have proceeded with the trial. Just as the judge granted the respondent's counsel continuance when Counsellor Aaron B. Kparkillen was present and could have continue to the trial, the absence of Counsellor Rennie, due to medical reason, should have been granted in like manner. This Court says such partiality is tantamount to travesty of justice and must be discouraged at all times, hence this Court do not see the urgency giving rise to the decision of the trial judge to have proceed with just one day absence of the petitioner's counsel after trial had commenced and continue progressively, especially where the issue in this matter involves the determination of title to real property.”

The appellant noted exceptions to the ruling of the Justice in Chambers and announced an appeal to the Full Bench of the Supreme Court.

In the bill of exceptions filed, the appellant contended that certiorari will not lie because the jury has already rendered its verdict; that a jury verdict is not reviewable by certiorari especially noting that the appellees abandoned its case.

To the contrary, the appellees have maintained that certiorari is warranted under the facts and circumstances of this case because the trial judge's arbitrary denial its motion for continuance for medical reasons prejudiced its case.

Having stated the basic contentions of the parties, the singular issue for our determination is whether certiorari will lie given the facts and circumstances of this case?

To fully address this issue, we must revert to the trial records. Our inspection of the certified records reveals that the appellant was producing evidence through witness testimonies when one of the counsels for the appellant filed an application for continuance and same was granted by the trial judge, giving the appellant's counsel the time required to cater to his health. A further review of the records shows that it was on the selfsame date that the lone counsel for the appellees filed a motion for continuance to seek medical attention the next day and the trial judge denied same.

This Court is at a total loss as to why the same trial judge who granted one of the appellant's counsels' motion for continuance to seek medical care when his co-counsel was present, proceeded to hastily deny the appellee's counsel motion for continuance to seek medical attention and submitted the matter to the jury for deliberation. What a travesty of justice!

Moreover, taking due note of the fact that the appellant was still producing evidence in this case and the appellee was yet to conclude with the production of its evidence, we are wondering as to what quantum of evidence the trial judge submitted to the jury when all of the parties had not rested with the production of evidence? Why was the trial judge proceeding with the trial in so much haste? The trial judge should have known that this is an ejectment action which must be handled with extreme caution as the deprivation of a person's property rights without just cause and without the safeguards of the law is a grave human rights violation.

It is undisputed that this Court favors the speedy disposition of cases; however, it frowns on any method that ignores the rights of party litigants. Speedy trial means responsible and cautious speed, avoiding the deprivation of the parties' rights. Speedy trial as guaranteed under the Constitution is no license or excuse for a judge to hastily dispose of a matter if by doing so would be prejudicial to the interest of the parties such as was done in this case. Those who are charged with the duty of dispensing justice must do so in the spirit of cool neutrality, and the court must always rule with a mind void of partiality; our courts must be free from reproach or

suspicion of unfairness, as the Judiciary should enjoy an elevated rank in the estimation of mankind. *The Corporation of IBN v. Pearson and Sirleaf*, 31 LLR 72, 75 (1983); *Davis v. Yangbe*

The judgeship is an honorable position. One who occupies it must behave honorably. Judges should not allow themselves to be put in positions of great embarrassment or to compromise the cool neutrality which at all times should be exhibited by them. *Lone Star Insurance Co. v. Cooper et. al*, 40 LLR 549, 552 (2001). Hence, the trial judge committed reversible error when he proceeded to hear the case in the absence of the appellees' counsel especially noting the fact that the appellees' counsel had filed a motion for continuance to seek medical attention. The trial judge further committed reversible error when he submitted the case to the jury when the parties had not rested with evidence.

As indicated *supra*, the primary contention of the appellant is that certiorari will not lie because the jury has already rendered its verdict; that a jury verdict is not reviewable by certiorari especially noting that the appellees abandoned its case.

This Court will not belabor this issue as we have already indicated that the trial judge committed series of errors that led to the prompt submission of the case to the jury when the parties had not rested with the production of evidence. Therefore, certiorari will lie.

Certiorari, says the law, is a special proceeding to review and correct decisions of officials, boards, or agencies acting in a judicial capacity, or to review an intermediate order or interlocutory judgment of a court. Civil Procedure Law, Rev. Code 1:16.21(1); *Jawhary v. Greaves*, 40 LLR 489, 491 (2001). It also concerns itself only with records; it is to review records and correct prejudicial errors of a trial court during the pendency of a case. *Jidsanc Inc. et al v. Pearson et al*, 35 LLR 742, 752 (1988). Hence, a writ of certiorari is an extraordinary remedy available to correct gross irregularities, actions in excess of jurisdiction, or failures to proceed according to law on the part of a lower court or administrative authority.

This Court has consistently held that where the lower court's conduct threatens to prejudice a party's fundamental rights before final judgment, the writ may issue to

prevent injustice, particularly where ordinary appeal is unavailable or inadequate at that moment. A jury verdict is not itself a final judgment. However, when proceedings leading to the verdict are alleged to have been tainted by irregularity that, if not corrected immediately, would render later review meaningless, certiorari is available.

Hence, given the duration of this case, the matter should be given preferential hearing.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the ruling of the Justice in Chambers sustaining the alternative writ of certiorari and granting the peremptory writ of certiorari is hereby affirmed. The Clerk of this Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to the Judgment of this Opinion. AND IT IS HEREBY SO ORDERED.

*PETITION GRANTED.*

*When this case was called for hearing, counsellors A. Tamba gborie and Aaron B. Kparkillen of the Wright and Associates Law Firm and tax & legal services, Inc., respectively, appeared for the appellant. Counsellor Sylvester D. Rennie of the law offices of legal watch, Inc. appeared for the appellee.*