

IN RE: SELLEY THOMPSON, Respondent.

CONTEMPT PROCEEDINGS

Decided December 29, 1988

1. There are two kinds of contempt: direct and constructive.
2. Contempt proceedings may be in the nature of either criminal or civil.
3. The purpose of criminal contempt is to vindicate the dignity of the court.
4. Any act which tends to belittle, degrade, or embarrass the court in the administration of justice is contemptuous.
5. The act complained of in contempt proceedings need not necessarily be done in the presence of the court.

Respondent was cited to appear before the Supreme Court for contempt for hanging up the telephone on the Chief Justice of Liberia. He failed to appear and an order of arrest for contempt was issued. At the hearing, respondent asked for the mercy of the Court and apologized for his action, although he stated that he was not aware that he had done the act complained of. After a hearing the Court found respondent guilty of contempt and imposed a fine upon him.

*McDonald Krakue*, Solicitor General of Liberia and *M Fabnbulleh Jones* as *amici curiae*.  
*Respondent* for himself.

Based upon a citation issued from this bench, Mr. Selley Thompson, respondent, was requested to appear and answer according to the within quoted summons:

BRIG. GENERAL JEHU T. STRIKER, SR., MARSHAL,  
OR HIS DEPUTY, SUPREME COURT OF LIBERIA  
TEMPLE OF JUSTICE  
MONROVIA.  
WRIT OF SUMMONS FOR CONTEMPT

GREETINGS:

YOU ARE HEREBY COMMANDED TO SUMMONS FOR CONTEMPT  
SELLEY THOMPSON OF THE  
CITY OF MONROVIA, LIBERIA, TO APPEAR BEFORE THE FULL BENCH,

SUPREME COURT OF LIBERIA ON THE 21 ST DAY OF OCTOBER, A.D. 1988, AT THE HOUR OF 2:30, IN THE AFTERNOON, TO SHOW CAUSE IF ANY WHY HE SHOULD NOT BE HELD IN CONTEMPT OF THIS HONOURABLE COURT FOR HAVING DROPPED THE TELEPHONE IN THE CHIEF JUSTICE'S EAR. YOU ARE FURTHER COMMANDED TO MAKE YOUR OFFICIAL RETURNS TO THIS WRIT OF SUMMONS FOR CONTEMPT ON OR BEFORE THE SAID 21 ST DAY OF OCTOBER, A.D. 1988, AS TO THE MANNER OF SERVICE. AND HAVE YOU THERE THIS WRIT OF SUMMONS FOR CONTEMPT.

GIVEN UNDER MY HAND AND SEAL OF THIS HONOURABLE COURT THIS 21 ST DAY OF OCTOBER, A.D. 1988. Emily N. Badio  
CLERK, SUPREME COURT OF LIBERIA.

Having failed to appear in keeping with the deputy marshal's returns that he was duly served, a writ of arrest for contempt was ordered issued and served.

At the call of the contempt proceedings, Mr. Selley Thompson, respondent, appeared before Court without a lawyer. He was informed of his constitutional right to have a lawyer represent his legal interest. Yet, he insisted that he did not need a lawyer. At this juncture, counsellor M. Fahnbulleh Jones and McDonald J. Krakue, Solicitor General of Liberia were requested to represent the Republic of Liberia as *amici curiae*. Mr. Selley Thompson, respondent, told the full bench of the Honourable Supreme Court of Liberia that he could not exactly remember at anytime dropping a telephone in the ear of the Chief Justice, His Honour Emmanuel N. Gbalazeh. He said, however, that if he has committed an act which was perceived by the Chief Justice as an insult, i.e. hanging up the telephone after a connection, he was appealing to the bench to forgive him for such an act and promised that such act would not be repeated.

Continuing, he said that he was well acquainted with His Honour Emmanuel N. Gbalazeh, Chief Justice of the Republic of Liberia and that he knew fully well that His Honour presently heads the Judicial Branch of Government of the Republic of Liberia. He also asked members of the Liberian Bar Association present to join him in extending his sincere apology to the Chief Justice and Associate Justices of the Honourable Supreme Court.

Having closed his statement, counsel designated, Counsellor M. Fahnbulleh Jones requested the bench to use its own discretion, since according to him, Mr. Selley Thompson did not fully understand the charge levied against him. This was also re-

echoed by counsellor McDonald Krakue.

Contempt are of two kinds: (1) direct and 2) constructive. And contempt proceedings may be either criminal or civil in nature.

In the instant case we are speaking of constructive contempt as well as criminal contempt. "The purpose of criminal contempt proceedings is to vindicate the dignity of the Court." *Kpunel et. al., v. Gbassie*, 15 LLR 50 (1962). "It is held that any act which tends to belittle, degrade, or embarrass the court in the administration of justice is contemptuous." *In re: C. Abayomi Cassell, Attorney General, R. L.*, 10 LLR 17 (1948). It is also held that the act complained of must not necessarily be done in the presence of the Court. *King v. Moore*. 2 LLR 35 (1911).

From this, one would conclude that the act complained of, which was meted out to His Honour the Chief Justice by Mr. Selley Thompson, even though committed over telephone, was not denied by him. Mr. Thompson realized that what he did was wrong and merely extended a verbal apology. We do believe that his apology is sincere. However, a written letter would have been in place. Therefore he should not go unpunished.

In view of the foregoing, Mr. Selley Thompson is adjudged guilty of contempt regardless of what matter he had called the Chief Justice on.

He is hereby fined the sum of Five Hundred (\$500.00) Dollars to be paid into the government revenue within 48 hours from now and present a receipt therefor to the marshal of this Court. Upon failing, the Clerk of this Court shall issue a commitment placing him in the hands of the marshal for his imprisonment in the common jail of Montserrado County for a period of 48 consecutive days. And it is hereby so ordered.

*Adjudged guilty of contempt.*