

**THOMAS MOSES**, Appellant, v. **REPUBLIC OF LIBERIA**, Appellee.

MOTION TO DISMISS APPEAL.

Argued May 19, 1957. Decided June 14, 1957.

When an appellant has failed to appear, a motion to dismiss the appeal will be granted.

On appeal from a judgment of the court below in a prosecution for the crime of grand larceny, appellant having failed to appear either personally or by counsel, the *appeal was dismissed* and the *judgment* of the court below *affirmed*.

No appearance for appellant. *Assistant Attorney J. Dossen Richards* for appellee.

MR. CHIEF JUSTICE SHANNON delivered the opinion of the Court.

When this cause was called for hearing, the appellant did not appear either in person or by counsel. After a period of some weeks, the appellee filed a motion worded as follows :

"Now comes the Republic of Liberia, appellee, and most respectfully moves to dismiss the appeal and affirm the judgment of the trial court, and submits the following reason :

"Because appellee says that the appellant has failed to appear at the call of the case either in person or by counsel. Appellant's failure to appear amounts to an abandonment of the appeal.

"Wherefore, appellee prays the dismissal of the appeal and affirmation of the judgment." It is regrettable when parties *ad litem* who consider their rights abridged or infringed, or their liberties restrained or prejudiced, after seeking the redress of these wrongs and appealing to this Court, abandon them, especially where, as in this case, there could be a possibility of succeeding in an appeal.

Placed in a condition or situation as we are, and with this motion before us, we are confronted with the provision of the Revised Rules of this Court which we quote :

"The following procedure shall be had in the case of the non-appearance of parties,

namely: (2) Where no counsel appears and no brief has been filed for the appellant, when the case is called for trial, the appellee may move to dismiss it, or, if the appeal is from a judgment, he may move for affirmance; but in such case he shall open the record and submit to the court his grounds for so moving." R. Sup. Ct. XI, 2 (2 L.L.R. 666).

Because of this rule of Court which the appellee has invoked by his motion to dismiss the appeal and affirm the judgment of the trial court, we find no alternative but to grant same and dismiss said appeal and affirm the judgment of the trial court. And it is hereby so ordered.

*Motion granted.*