

ALHAJI SALAWO *alias* **SALAWE ADEYMO**, Appellant, v. **REPUBLIC OF LIBERIA**, Appellee.

MOTION TO DISMISS APPEAL ON JUDGMENT OF CONVICTION FOR GRAND LARCENY.

Argued January 26, 1956. Decided February 17, 1956.

Where appellant's counsel has neglected to file an appeal bond, the appeal will be dismissed.

Appellant was convicted of grand larceny and appealed to this Court. On a showing that appellant's counsel had neglected to file an appeal bond, a *motion* to dismiss the appeal was *granted*; the Court reprimanded appellant's counsel and directed the Bar Committee of Montserrado County to investigate, act and report upon the professional misconduct apparently involved in counsel's neglect.

William A. John for appellant. *The Solicitor General* for appellee.

MR. JUSTICE DAVIS delivered the opinion of the Court.

The annals of judicial history reveal that the illustrious advocate, Abraham Lincoln, on one occasion declared that a lawyer's advice and his time are "his stock in business." This being true it becomes necessary, if not imperative, that every advocate should employ every possible effort, and display such skill and ability in the handling of matters entrusted to his professional care, as to render his "stock in business" wholesome and not detrimental to his clients and the public.

When this case was reached on our docket and called for hearing, the Honorable Joseph W. Garber, Solicitor General of Liberia, appeared for the appellee, and gave notice of the filing of a motion to dismiss the appeal, whereupon the said motion was ordered read, and appellant's counsel in the person of Counsellor William A. John was called upon and afforded an opportunity of entering a resistance to the motion upon the record if he elected so to do.

Before mentioning what appellant's counsel placed upon the record by way of defending his appeal, we deem it proper to quote the motion word for word as follows :

"Motion to Dismiss Appeal

"And now comes Joseph J. Chesson, Acting Attorney General, and most respectfully moves this Honor-able Court to dismiss the appeal taken by the appellant and for reasons showeth as follows, to wit:

"1. Because appellee says that the appellant in this case has not filed an approved appeal bond as is mandatorily required by law, as will more fully appear from the certificate of the clerk of this Honorable Court, herewith filed, marked Exhibit 'I' and forming a part of this motion.

"Wherefore appellee prays the dismissal of the appeal and the affirmance of the judgment of the lower court."

Called upon by the Court to take a position, appellant's counsel made the following record: "Appellant at this stage begs leave of Court to state that he is 'grounding arms' in view of the fact that the bond was not legally executed for an appeal in keeping with law."

In view of the position taken by the appellant's counsel, and of course the law controlling, there was nothing left for this Court to do except to grant the motion and order the appeal dismissed. We would have rendered a judgment without opinion, but a sober reflection drives us to the conclusion that an opinion is urgently necessary, if not indispensable, because of the negligent, careless and unethical manner in which counsel for appellant has elected to handle his client's interest. The records in this case reveal not only that the bond filed by appellant was not approved by the trial Judge, but also that the paper filed by Counsellor John for his client, Alhaji Salawo, *alias* Salawe Adeymo, was not signed by his said client at all, nor was it signed by any person as surety. What a careless, negligent and unskillful handling of a man's interest before the court of last resort, and in a case where liberty is involved! Here is a case where a man is tried for grand larceny—an infamous crime for which his rights of citizenship are subject to forfeiture—a case which should call forth the best and most diligent defense from any advocate; yet counsel in this case treats the situation with a degree of indifference, negligence and carelessness which ushers his client straight to the prison cell.

This is not the first time that flagrant disregard of the obligations and duties of advocates has caused their clients and the public to suffer great inconvenience, and we are therefore of the opinion that same should not be permitted to pass unnoticed. We call upon the statutory Bar Committee of Montserrado County to institute an

appropriate investigation into this unethical conduct and take such action as the law in such case provides; and to report to us their action at our ensuing March term. This is intended to serve as a caution to the newly admitted counsellors at this bar in the handling of matters entrusted to their professional care during their practice.

The motion being duly supported by the appeal statute of 1938, as well as by numerous decisions of this Court, which hold that every appeal bond from the Circuit Court to the Supreme Court shall be approved by the trial Judge within sixty days from the rendition of final judgment, otherwise the appeal shall be dismissed, same is hereby granted and the appeal dismissed. And it is hereby so ordered.

Appeal dismissed.