

JOSEPH TENTEH, Appellant, v. REPUBLIC OF
LIBERIA, Appellee.

APPEAL FROM THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
SINOE COUNTY.

Argued October 13, 1970. Decided January 21, 1971.

1. When exceptions have been properly taken in the trial court, an appellate court cannot dismiss an appeal without any consideration.

Appellant took an appeal to the circuit court from the judgment entered against him in the traffic court. On the basis of the County Attorney's allegation that no exceptions had been taken by the appellant in the court below, the circuit judge dismissed the appeal. An appeal was taken therefrom to the Supreme Court. At the call of the case, the Solicitor General noted for the record that the County Attorney had been in error, and that exception had, in fact, been taken by the appellant in the traffic court. Based upon such admission, the Supreme Court *reversed* the judgment of the circuit court and *remanded* the appeal.

Glarence O. Tuning for the appellant. The *Solicitor General* for appellee.

MR. JUSTICE SIMPSON delivered the opinion of the Court.

This case has come to this Court from the Third Judicial Circuit Court, Sinoe County, wherein the appeal is from a judgment of Hon. MacDonald Krakue, which was handed down on February 28, 1969.

The judgment of Judge Krakue was in affirmation of a judgment rendered by Hon. J. William Birch, Traffic Judge, Sinoe County, predicated upon charges preferred

against appellant for violation of certain traffic rules. At the circuit court, Judge Krakue, predicated ostensibly upon what he believed to be the traffic court's records properly transcribed and transmitted to him, dismissed the appeal from that court by appellant herein, on the allegation of the County Attorney to the effect that at the traffic court no exceptions had been taken to the ruling of Judge Birch.

At the call of the case at this Court, the Solicitor General rose and noted for the record that exceptions had been made at the traffic court and therefore, in fairness to the justice of this case, the appeal at the circuit court should not have been dismissed.

In view of the statement made by the Solicitor General, it is hereby adjudged that the legal prerequisites having been complied with for transferral of the cause from the traffic court to the circuit court for review, the latter court should have granted the review, and not having done so constituted reversible error. Therefore, the judgment of the lower court is hereby reversed and the case remanded for review of the appeal at that tribunal.

Reversed, appeal remanded.