

RUFUS N. BARNES, JAMES R. DYSON, YEMA WEAR and ALEX KAL, Appellants, v. REPUBLIC OF LIBERIA, Appellee.

APPEAL FROM CONVICTION.

Decided January 22, 1937.

1. If a party has excepted to a verdict and given notice of a motion for a new trial, it is reversible error for the trial judge to enter judgment in less than four days after verdict unless the motion had already been filed and disposed of.
2. Trial judges should endeavor to follow strictly the opinions of this Court in their spirit as well as in their letter, as that is one of the most patent means of unifying and stabilizing the practice.
3. An opinion is published from the moment it is read from the Bench of this Court.

On appeal from conviction, *judgment reversed and case remanded* for new trial.

*P. Gbe Wolo* for appellants. *R. F. D. Smallwood*, County Attorney for Montserrado County, by appointment, for appellee.

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

When the above entitled cause was called at the bar of this Court for hearing, the briefs of counsel for appellants and appellee were carefully inspected by the Bench, whose attention was arrested by a complaint in that of appellants, that His Honor Judge David, the trial judge, had rendered final judgment one and one-half hours after verdict although appellants had excepted, and given notice of a motion for a new trial.

Counsel for appellee having been queried on the point, averred that the records did not support appellants' complaint insofar as the rendition of the judgment within one and one-half hours after verdict was concerned.

The record having been by us inspected in open court

in the presence of the parties, we found that although there was no positive evidence in support of appellants' allegation, nevertheless it was true that the verdict was rendered on the 13th of November, 1935, the final judgment on the same 13th of November, and the bill of exceptions, in counts 17 and 18 of which are contained the complaints which in the brief had focussed our attention, was approved by the judge on the following day, the 14th of November, 1935.

The complaint of appellants having thus been in its essential features substantiated before us by the records sent up hither, it was impossible for us to proceed further with the hearing of this appeal. For we had on the 22nd of December, 1933, nearly two years before the present case came on for trial in the court below, decided that it is reversible error for the trial judge to enter final judgment at any time earlier than four days after verdict, unless the said motion for new trial had already been filed, heard and determined. Said we then:

“According to the statute laws of Liberia every party against whom a verdict is rendered and who shall have taken exceptions thereto, must file a motion for a new trial within two days after the rendition of said verdict if it is claimed that the said verdict is contrary to the evidence, the law, or legal instructions of the court etc. In some other cases, however, the losing party is entitled to four days within which to file his motion for a new trial. See Statutes of Liberia (Old Blue Book), ch. VII, p. 48, § 18. It is the opinion of this Court that no matter how satisfied in his own mind the trial judge may have been of the correctness of the conviction of the defendants, he committed a very grave and reversible error in rendering final judgment three hours after the verdict had been returned, and he thus deprived the defendants of the important right above mentioned.

“Hence upon this exception having been reached,

the Court carefully queried the Honorable the Attorney General for appellee on this point, and he admitted at the bar that from his examination of the records the exceptions of appellants could not be disputed. The Court therefore has no option but to reverse the judgment of the court below and remand the case for a new trial. . . ." *Yancy and Delaney v. Republic*, 4 L.L.R. 3, 1 Lib. New Ann. Ser. 3.

Trial judges should pay strict attention to the opinions given by this Court from time to time, and endeavor to understand and follow them both in the spirit as well as in the letter.

For, that is one of the most potent means of stabilizing and unifying the practice, and this Court will therefore view with grave concern any willful attempt on the part of a trial judge to ignore or evade the principles we lay down for their guidance from time to time.

It may be said in favor of His Honor Judge David, at this time, however, that because of the exceptional tardiness with which our opinions are presently printed by the government's printing office, there is a doubt in our minds that said opinion was in print when the said judgment was rendered.

But, inasmuch as an opinion is published when read from this Bench, and all judges and practitioners should begin to follow them from that moment, it is our opinion that the judgment of the court below should be reversed, and the case remanded for a new trial; and it is hereby so ordered.

*Reversed.*