

THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2024

BEFORE HER HONOR: SIE-A-NYENE G. YUOHCHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIEASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABAASSOCIATE JUSTICE
BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEANEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE

JUDICIARY INQUIRY COMMISSION (JIC) REPORT AGAINST HIS HONOR
OCTAVIUS B. DOE, JUDGE, PROVISIONAL MONTHLY & PROBATE COURT,
JAEDAE STATUTORY DISTRICT, SINOE COUNTY.

Heard: January 14, 2025

Decided: February 18, 2025

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

On July 14, 2022, Inspector Dee Clinton, Commander of the Diyankpo Police Depot, Sinoe County, filed with the Office of the now retired Chief Justice, His Honor Francis S. Korkpor, Sr., a complaint against His Honor Octavius B. Doe, Judge of the Monthly & Provisional Probate Court of Jaedae District, Sinoe County.

The complainant stated in his complaint that on June 27, 2022, Judge Octavius Doe forwarded an artisanal miner believed to be a Ghanaian national for "safe Keeping" at the police station pending court appearance; the miner had been charged with contempt by the Judge because the miner had deliberately refused to pay a Fifty Thousand Liberian Dollars (L\$50,000.00) fine imposed by the Judge on all artisanal miners and which amount had been paid by all other miners except the contemnor.

According to the complainant, the miner was incarcerated at the police station but due to the expiration of the forty-eight (48) hours statutory period for detaining an accused at the police station, coupled with the deteriorating health condition of the miner as he began to vomit and toilet uncontrollably, he (complainant) immediately communicated with the Judge to have the miner released to seek medical treatment; that in response to his communication to the Judge that the miner be released, the Judge responded as follows: *"if you release that man I will arrest you myself and detain you in his place. In fact, if he will die, let him die in the cell, but no one should release him without my consent, because the man is owing me huge sum of money."* The complainant further stated that due to the miner's declining health condition while in detention, he (complainant) placed a call to the District Superintendent and apprised him of the situation; that the District Superintendent advised that the miner be temporarily

released to a genuine guarantor who would bring him to the police depot whenever needed; that predicated on the District Superintendent's advice, the complainant said he released the miner to a reputable family member with a mandate to return him at the station whenever called upon.

The complainant alleged further that when Judge Doe returned to Jaedae District from Greenville on June 29, 2022, and was informed that the complainant had allowed the miner to be signed for and released from detention, Judge Doe immediately sent for him, ordering that he appears before court and he did in obedience to the Judge's call.

Upon entering the court, the complainant alleged that he was interrogated in open court and insulted by the Judge; that when he informed the Judge that the miner was only temporarily released and signed for by a reputable guarantor to be brought back to the station after his treatment, the Judge angrily demanded that the miner be brought to court, and then ordered that the complainant be arrested and beaten; that based on the orders of the Judge, he was beaten, pepper sprayed, handcuffed and bled profusely from the mouth and nostrils; that due to the severity of the beating, he lost consciousness, and the Judge threatened to arrest and jail anybody who came to his (complainant) rescue; that the Judge also ordered the seizure of the complainant's money in the tune of US\$3,000.00 and LD\$4,000.00, including a Tecno Camon 16 mobile phone valued at US\$250.00 and the complainant's assigned handcuff.

Following this ordeal at the instance of the Judge, the complainant alleged that he urinated and defecated with blood and experienced temporary blindness; that it took the courage of motorcyclists and bystanders who burst open the doors of the room in which he was placed and took him to the nearby clinic where he was given first aid treatment and then taken to Greenville for proper treatment; that while in Greenville, his condition continued to deteriorate and he was transferred to Monrovia for advanced medical treatment. The complainant prayed the Chief Justice to investigate the conduct of Judge Octavius Doe and grant him relief under the law.

Upon receipt of the complaint, the Chief Justice forwarded same to the Judiciary Inquiry Commission (JIC), the organ of the Judiciary that investigates allegations of ethical misconduct of judges and make appropriate recommendations for consideration by the Supreme Court. The Chief Justice requested the JIC to conduct a full investigation into the complaint and make appropriations recommendations to the Supreme Court.

Predicated on the instruction from the Chief Justice, the Judiciary Inquiry Commission (JIC) wrote Judge Octavius Doe to file a response to the complaint against him, and in adherence thereto, Judge Octavius Doe filed his answer to the complaint.

In his answer, Judge Doe denied all the allegations contained in the complaint, contending that the complainant allegation that he (Judge Doe) ordered the detention of the miner due to the miner refusal to pay a Fifty Thousand Liberian Dollars fine imposed on all artisanal miners is false and misleading; that the detention slip signed by the complainant only mentioned that the miner was being detained for contempt of court and nothing else; that the miner was not sick as claimed by the complainant, and the complainant's statement that he (complainant) communicated with the Judge to release the miner to seek medical attention is false; that the statement of the complainant saying that the Judge had said he would arrest and detain the complainant if the complainant release the miner is false also because he does not have the power to arrest anyone; that the action of the complainant to release the miner held in contempt on grounds that the miner was sick and based on the advice of the District Superintendent clearly indicate that the complainant released the miner/contemnor without the court approval, and this action was intended to undermine the respect due the court.

The Respondent Judge further contended that when the court issued a release order for the miner/contemnor, the complainant refused to sign for the release, stating that he (complainant) as a depot commander has concurrent jurisdiction with the court, and as such, he will no longer implement any order from the Respondent Judge; that it was based on this response that the complainant was invited to the court to give reason why he refused to sign the release order. The Respondent Magistrate stated further that the complainant refused again to receive the communication inviting him to the court, and it was only upon the intervention of the County Attorney of Sinoe County that the complainant received the miner/contemnor into custody and subsequently released the miner/contemnor based on the order of the court.

The Respondent Magistrate explained that upon appearing in court, the complainant openly attacked the court officers and refused to submit to the court; that the complainant was the aggressor as he assaulted and wounded Bailiff Joseph S. Beltoe and court support staff Jackson Doe; that it was based on this violent conduct that the complainant was held in contempt of court and fined US\$300.00. The Respondent Judge refuted the complainant's allegation that he ordered the seizure of money which was in the complainant's pocket as well as the complainant's assigned handcuffed.

Narrating further, the Respondent Judge stated that the complainant communicated with the County Attorney of Sinoe County and other police officers informing them that he (complainant) was being held in contempt by the court and was about to be sent to jail, and

that he was beaten and based on this information, the police proceeded to the court and without any investigation, they beat, tortured, handcuffed and pepper sprayed the Respondent Judge and court staff, and incarcerated them in police cell from 8:00pm to 6:00 am, and also bulgarized, looted, and vandalized the court. The Respondent Judge concluded that his order to detain the miner/contemnor within the police cell and the holding of the complainant for direct contempt of court are all judicial actions taken by him for which he cannot be summoned, arrested, detained, prosecuted or tried civilly or criminally by or at the instance of any person or authority on account thereof.

The JIC, upon receipt of the complaint and the answer filed thereto by the Respondent Judge, cited the parties to an investigative hearing, notifying them to appear along with their witnesses at the hearing. At the conclusion of the hearing, the JIC arrived at the following findings:

"The Commission considers such acts on the part of the Judge as unethical, barbaric, and not in the interest of fair play which are in violations of the following canons:

1. Judicial Canon Eight (Public Interest)—Courts exist to promote justice thus to serve the public interest. Theirs is the administration of justice which they must do with speed and care. Every Judge should at all times be alert in his rulings and in the conduct of the business of the court, so far as he can.
2. Judicial Canon Thirteen (Inconsistent Obligation)—A judge should not accept inconsistent duties, nor incur obligation, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions; and
3. Judicial Canon Thirty-five (Abuse of Discretion)—A judge should be subject to disciplinary action for wanton, and reckless abuse of discretion which violate the Constitution, statutes and laws.

Having attended to the facts and listened to the concerns of the complainant, the JIC's findings in its report to the Supreme Court are as follows:

1. That the allegations of reckless conduct, with sufficient evidence, against His Honor Octavius B. Doe were all proven to be true.
2. That the Respondent Judge is in violation of Judicial Canons Eight, Thirteen and Thirty-five as stated above.
3. That such conduct on the part of Probate Judge Doe besmears the image and integrity of the Judiciary, and undermines the trust and confidence the public has in the justice system in the Republic of Liberia.

4. That such wanton conduct on the part of any Judge cannot and should not be entertained in the administration of justice in the Republic of Liberia.”

Based on the findings of the JIC stated above, the Commission recommended the following:

- “1. That His Honor Octavius B. Doe be re-assigned to another County;
2. That the Judge be made to resign, if complaint of such magnitude is filed against him and or have his name forwarded to the National Legislature for impeachment proceedings.
4. That the Judge be made to restitute the missing items including cash amount belonging to Inspector Dee Clinton US\$3,000.00, One Tecno Carmon 16 Smartphone value at \$250.00USD and his assigned handcuffs].”

The JIC report was forwarded to the Supreme Court and upon orders of the Court, the Clerk of the Supreme Court wrote to the Respondent Judge Octavius B. Doe, directing him to file a brief in his defense to the findings and recommendations made by the JIC. Also, upon orders of the Court, the Clerk notified five Counsellors of the Supreme Court Bar of their appointment by the Court to serve as amici curiae in the matter, and to file an amicus brief in keeping with said appointment. The appointed amici curiae comprised of Counsellors Benedict F. Sannoh, Aloysius Teah Jappah, Kuku Y. Dorbor, Denise S. Soka and retired Associate Justice Phillip A.Z. Banks, III.

The Respondent Judge filed a response to the JIC report which in substance reiterated the contentions and allegations contained in the answer filed to the complaint.

In their joint amicus brief, the amici curiae concurred with the JIC that the conduct of the Respondent Judge violated Judicial Canons 8, 13 and 35, but added that the Respondent Judge also violated Canon 5 which states in a relevant part that the court is the last place of hope for man on earth and therefore the Judge therein must live above reproach. The amici curiae decried the Respondent Judge for not conducting himself as a decent and honorable member of the society, and concluded their brief with the following recommendations/observations:

- “1. That the JIC recommendation to have the Respondent Judge assigned to another county is beyond the authority of the Judiciary because Judges of Probate Courts are appointed to specific courts and counties by the President of Liberia and only the President can change that assignment.
2. That though the Amici Curiae agree with the JIC that the conduct of the Respondent Judge was in violation of the Judicial Canons as mentioned, the Amici Curiae note with concern that the JIC did not make any mention in their findings of the conduct of the Police office especially given the fact that the potential for recurrence of a matter of this nature is great.

3. That in the mind of the Amici Curiae, the JIC should have advanced recommendation to the Chief Justice of the Supreme Court of the Republic of Liberia regarding the conduct of the Police Officers to the effect that she communicates to the Director of Police for the appropriate action to be taken against the Police officers. Note, passing over this issue will encourage impunity and disrespect for the Court.
4. That given the background of the dispute, coupled with the fact that the Respondent Judge is still on duty, the Judiciary may consider giving the Respondent Judge a very strong warning on this matter.
5. That the JIC note with concern acts meted against the court and Judicial officers by the Joint Security, which led to the Respondent Judge and the court officers to be placed at the back of the Police pick-up.
6. We also note with concern that from the investigation conducted, there is no sufficient evidence in the report to substantiate the allegations of the complainant's missing items to include monies of US\$3,000.00 and LD\$4,000.00 collected from tenants and Tecno Camon 16 Smartphone valued at US\$250.00 and assigned handcuff, for same to be restituted."

When the case was called for hearing before the Supreme Court, counsel representing the Respondent Judge, Counsellor Festus K. Nowon made a submission on the Court's records, stating that the Respondent Judge waives oral argument in the matter and that the Court should decide the case based on the pleadings filed.

Considering this waiver by the Respondent Judge's counsel, the amici curiae presented argument in support of their brief. We note that one of the appointed Amici Curiae, Justice Phillip A.Z. Banks, III, was not present during the hearing as he had travelled out of the bailiwicks of Liberia.

The *amici curiae*, though in agreement that the Respondent Judge's conduct was repugnant, disagree with the recommendation of the JIC regarding the re-assignment of the Respondent Judge. The amici Curiae states that the JIC recommendation to have the Respondent Judge assigned to another county is beyond the authority of the Judiciary because Judges of Probate Courts are appointed to specific courts and counties by the President of Liberia, and only the President can change that assignment. The amici curiae also disagreed with the JIC on the recommendation that the Respondent Judge be made to restitute the cash amount of US\$3,000.00 and LD\$4,000.00 collected from tenants and Tecno Camon 16 Smartphone valued at US\$250.00 and assigned handcuff. In the view of the amici curiae, the JIC report contains no evidence to support the complainant's allegation that he lost cash and other items during the attack on him.

We are in agreement with the amici curiae that the Provisional Monthly and Probate Court over which the Respondent Judge presides is a specialized court created pursuant to legislative enactment and that the Judge assigned therein is appointed by the President of Liberia to specifically preside over that court. Unlike other circuit courts where the Chief Justice is granted authority to exercise the administrative prerogative of routinely rotating judges from one circuit to another to preside over terms of such courts, judges of specialized courts are at all times stationed at their respective courts, and not subject to periodic rotation. In essence, a judge appointed to and assigned at a specialized court cannot be re-assigned to another court by the Chief Justice or the Supreme Court. As such, a judge may only be suspended, fined, or in the worst case, presented to the legislature for impeachment for ethical misconduct.

We are also in agreement with the amici curiae that the complainant did not present sufficient evidence to establish that he had cash amount of US\$3,000.00 and LD\$4,000.00 and a Tecno Camon 16 Smartphone valued at US\$250.00 and assigned handcuff with him at the time of the occurrence of the events subject of this case. This however does not prevent him from seeking a legal remedy in Sinoe County against the Respondt Judge and others, presenting sufficient evidence to prove his claim.

We must now decide the appropriate sanction under the circumstance for deterrence of the reprehensible conduct exhibited by the Respondent Judge.

The records certified to this Court show that during the investigation before the JIC, the complainant along with two other witnesses testified on his behalf. The complainant himself testified, essentially restating the substance of his complaint regarding the violence meted out against him at the instance of the Respondent Judge. The complainant other witnesses, Helena and Prince Montgomery, who are residents of Diyankpo, Sinoe County, testified that they witnessed the complainant being beaten and handcuffed in the court room on the instruction of the Respondent Judge; that it took the intervention of motorcyclists and others to release the complainant from his assailants who were all court officers; that the complainant was subsequently taken to a nearby clinic for treatment after his ordeal. Witness Prince Montgomery further testified that he was with the complainant when the complainant received Three Thousand United States Dollars (US\$3,000.00) from a fellow who came into the Diyankpo area on a motorbike.

The Respondent Judge along with two witnesses testified on his behalf. In his own defense, the Respondent Judge testified that the miner was held contempt because he failed to make a stipulated payment of Two Thousand Liberian Dollars (L\$2,000.00) which he (miner) owes

to an intestate estate; that based upon said failure, the miner was held contempt and sent to the complainant for imprisonment; that the complainant released the miner without the judge's approval and therefore failed to honor the release order sent to him; that the complainant, under the influence of alcohol, had entered the premises of the court and threatened never to obey his orders; that the complainant became unruly towards him, hurling foul languages at him and all attempts to calm the complainant down failed, as he began damaging properties of the court and assaulting court officers. The Respondent Judge stated that based on the conduct of the complainant, he held him in contempt of court and fined him Three Hundred United States Dollars (US\$300.00) and had him sentenced to one month imprisonment; that when the complainant left the court, a huge detachment of police officers from Greenville and the settlement nearby Diyankpo arrived in Diyankpo, vandalized the court room, arrested and tortured him (Judge) and the court staff and took them to Greenville where they were imprisoned.

The second and third witnesses to testify on behalf of the Respondent Judge were Sam Weah Jr., who introduced himself as a community police officer in Diyankpo, and David T. Swen, bailiff and acting sheriff of the court. The witnesses basically confirmed the Respondent Judge's testimony that the complainant was unruly when he appeared before the court, and that based on the complainant's conduct, he was handcuffed by staff of the court on the order of the Respondent Judge. The witnesses also confirmed the Respondent Judge's testimony regarding the conduct of the police officers who arrived in Diyankpo following the incident with the complainant. The witnesses, however, gave different accounts on why the miner was held in contempt by the Respondent Judge. Witness Sam Weah Jr., testified that the miner was held in contempt because he had failed to pay a debt which he owed a community dweller; on the other hand, witness David T. Swen testified that the miner was held in contempt based upon his failure to make a weekly stipulated payment of Two Thousand Liberian Dollars (L\$2,000) for using the land of an intestate estate for mining activities.

It is important to note from the testimonies presented before the JIC that, while the Respondent Judge and the bailiff and acting sheriff of the court, David T. Swen, testified that the miner was held in contempt for his refusal to make a stipulated payment to the court for an amount that he owes an intestate estate, no evidence of such a stipulation made by the miner was either attached to the Judge's answer or presented during the investigation. In fact, the bailiff and acting sheriff of the court, David T. Swen, was specifically queried on whether there exists a record of the stipulation allegedly made by the contemnor miner, and he replied, "no". Besides, why was the probate court collecting money for an estate? Was the

administration of the estate under the curator of the court, and could he lease the said estate for mining?

Further, while the Respondent Judge alleged in his testimony that he was beaten, tortured and pepper sprayed by the police officers and admitted to hospital as a result of the injuries suffered, he presented no evidence in the form of a medical certificate to establish the truthfulness of that allegation; on the other hand, the complainant attached to his complaint a medical certificate of referral dated July 2, 2022, and issued by the F.J Grant Hospital in Greenville, Sinoe County. The medical certificate states that the complainant had required advanced medical treatment because he had been excreting fresh bloody stools for two days. The certificate also states that the complainant was taken at a local clinic prior to being taken to the F.J. Grant Hospital. The medical certificate is consistent with the complainant's testimony and provides a strong evidentiary support to the complainant's allegation that he was brutalized. Besides, if the respondent, a probate judge and officers of his court were manhandled by the police and security officers in the county, why was this behavior against the court not reported to the Chief Justice, or was it that the Respondent Judge knew that he had provoked the action carried out against him and his court officers and therefore refrain from reporting the incident that he alleged was carried out against him and others of the court by police officers. We see no evidence of said complaint being made.

This Court has held that it is evidence alone that enables the court to pronounce with certainty concerning the matter in dispute. They are the mighty bulwarks of our Opinions, Judgments and Mandates. *Jorgensen v. Knowland*, 1 LLR 266, 267 (1895); *Massaquoi v. The Republic et al.*, 8 LLR 113, 119 (1943); *Pentee v. Tulay*, 40 LLR 207, 215 (2000); *Yardamah v. Natt*, Supreme Court Opinion, March Term, 2015; *Farhat v. TRADEVCO*, Supreme Court opinion, October Term, 2015.

The evidence in this case compels us to conclude that the Respondent Judge's conduct, both in respect to his unlawful ordering of the incarceration of the miner without any proof that the said miner made a stipulation for the payment of a certain sum of money, and ordering the brutalization of the complainant in the premises of the court, was wrong and in violation of the Judicial Canons. The Respondent Judge's conduct was detestable and undermined the integrity of the court over which he presided.

In view of the foregoing, we agree with the findings of the JIC and the *amici curiae* that the Respondent Judge violated Judicial Canons 5, 8, 13 and 35. We quote below these Canons:

Canon Five. THE COURT AS LAST PLACE OF HOPE

The Court is the last place of hope for man on earth and therefore the judge therein presiding must live above reproach; he shall not receive or demand fees for approving a bond or signing an order; nor raise unreasonable technicalities in the hope of receiving prerequisites before approving the bond or order duly presented.

Canon Eight. PUBLIC INTEREST

Courts exist to promote justice thus to serve the public interest. Theirs is the administration of justice which they must do with speed and care. Every judge should at all times be alert in his rulings and in the conduct of the court, so far as he can.

Canon Thirteen. INCONSISTENT OBLIGATION

A judge should not accept inconsistent duties, nor incur obligation, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.

Canon Thirty-Five. ABUSE OF DISCRETION

A judge should be subject to disciplinary action for the wanton, and reckless abuse of discretion which become violative of the Constitution, statute and laws.

The conduct of the respondent Judge was reprehensible and in violation of the Canons stated above, particularly Canon Thirty-Five. Hence, shall not disturb the findings and recommendation of the JIC

WHEREFORE AND IN VIEW OF THE FOREGOING, the findings and recommendation of the JIC are confirmed with modification that the Respondent Judge is suspended for a period of one (1) year without salary, benefits, and other emoluments. All probate matters, if any, shall be referred to the 3rd Judicial Circuit of the County during the period of his suspension. The Clerk of this Court is ordered to inform the Office of the Court Administrator and the parties of the decision of this Court. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLORS BENEDICT F. SANNOH, DENISE S. SOKAN, KUKU Y. DORBOR AND ALOYSIUS T. JAPPAH APPEARED AS AMICI CURIAE. COUNSELLOR FESTUS K. NOWON APPEARED FOR THE RESPONDENT JUDGE.