

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

BEFORE HER HONOR: SIE-A-NYENE G. YUOH .....CHIEF JUSTICE  
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE  
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE

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Republic of Liberia.....Movant )  
 )  
Versus ) MOTION TO DISMISS APPEAL  
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Maria Morgan of the City of Monrovia, Liberia..... )  
.....Respondent) )  
GROWING OUT OF THE CASE: )  
 )  
Republic of Liberia.....Plaintiff )  
 )  
Versus ) CRIME: TRAFFICKING IN PERSONS  
 )  
Edwin Walker, Maria Morgan and Ernest Urey )  
of the City of Monrovia, Liberia.....Defendants )

Heard: October 21, 2024

Decided: December 19, 2024

MR. JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

In this motion to dismiss, the Republic of Liberia, movant herein has prayed this Court to dismiss the respondent’s appeal on grounds that the said appeal is premature and violates our Criminal Procedure Law. We take recourse to the records to make a just determination based on the facts and circumstances herein.

The facts relevant to this case as seen from the culled records before this Court reveal that this case originated from the First Judicial Circuit, Criminal Court Assize “B” for Montserrado County. The movant, plaintiff below filed a criminal action for trafficking in persons against three defendants. After a bench trial was held, two of the three defendants were acquitted and Maria Morgan, Respondent herein was convicted of the crime charged. The records further reveal that after the respondent was convicted, she then filed a motion for new trial, which was subsequently withdrawn. Thereafter, the respondent proceeded with completing her appeal process as required to have this Court decide the finality of the case on its merits.

It is this appeal that the movant has challenged terming it as immature and as such the appeal must be dismissed. The movant's contention is that the trial judge should have had a pre-sentencing hearing and then sentenced the convict (respondent) but since the respondent was not sentenced and no pre-sentencing hearing was held, the respondent's appeal should be dismissed as there is no sentence given by the lower court to the respondent.

Respondent has argued that this is not a ground for the dismissal of an appeal in this jurisdiction and as such movant's argument is frivolous and its motion should be denied.

The requirement for taking an appeal in a criminal action in this jurisdiction are explicitly outlined in Chapter 24 of our Criminal Procedure Law, specifically Chapter 24.7, which provides that the requirements of taking an appeal are: *(a) announcement of the taking of the appeal; (b) filing of the bill of exceptions; (c) service and filing of notice of completion of the appeal.* This Court has consistently upheld these grounds. *R.L v. Ilyas*, Supreme Court Opinion, March Term 2016.

The failure to adhere to any of these requirements enumerated above within the time allotted by statute renders the appeal dismissible.

In the matter before us, the movant has not cited any of the grounds mentioned supra to argue its case for the appeal to be dismissed but has somehow argued that because there was no pre-sentencing hearing held and because the respondent was not sentenced, the appeal must be dismissed, and remanded for the trial court to conduct a pre-sentencing hearing and sentence the respondent before the respondent can announce an appeal. Given the facts and circumstances of this case, we find this argument of the movant wanting in law and reasoning, and therefore not weighty enough to warrant our dismissal of the respondent's appeal.

Criminal Procedure Law, Rev. Code 2:24.2 provides: "*an appeal may be taken by the defendant as of right from (a) a final judgment of conviction; or (b) a sentence on the ground that it is illegal or excessive.*"

Additionally, Section 24.8 of our Criminal Procedure Law provides: "*an appeal from a judgment, sentence or order shall be taken by oral announcement in open court at **the time of rendition of the judgment, or imposition of sentence, or granting of the order from which the appeal is taken.***" [EMPHASIS SUPPLIED].

The laws as cited above are clear that an appeal in a criminal action may be taken from a judgment or sentence and as such an appeal cannot be dismissed squarely because the appellant has not been sentenced as in the instant case where the respondent/appellant has taken an appeal from the rendition of final judgment against her.

A final ruling of guilty based on the evidence adduced during the trial, and a sentencing ruling based on a sentencing report are separate and distinct. The right to appeal is guaranteed by our Constitution and the absence of a sentence or a pre-sentencing hearing is not a ground for dismissing an appeal. Therefore, the motion to dismiss the respondent's appeal is hereby denied as the grounds raised by the movant besides not being valid enough

is not a ground for dismissal of an appeal in our jurisdiction and the Court shall proceed to hear the appeal on its merits.

WHEREFORE AND IN VIEW OF THE FOREGOING, the movant's motion to dismiss the appeal is hereby denied and the appeal ordered proceeded with on its merits. The Clerk of this Court is hereby ordered to docket the case for the hearing of the appeal on its merits. Costs are to abide final determination of the case. AND IT IS HEREBY SO ORDERED.

*WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLORS AUGUSTINE C. FAYIAH, SOLICITOR GENERAL, REPUBLIC OF LIBERIA AND J. ADOLPHUS KARNUAH II OF THE MINISTRY OF JUSTICE APPEARED FOR THE MOVANT. COUNSELLOR M. WILKINS WRIGHT AND JURA A. LYNCH APPEARED FOR THE RESPONDENT.*

*Motion denied.*