

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2026

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE
BEFORE HER HONOR : JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR : CEANEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Dr. Isaac P. Podah, President of Lofa County University,)
Danwolo B. S. Catakwa, VPA; Anthony C. Crayton, and)
Varmuyan L. Kanneh, all of the City of Vonjama, Lofa)
County, Liberia.....Movants)

Versus

MOTION TO DISMISS
APPEAL

Republic of Liberia, by & thru)
the Liberia Anti-Corruption Commission (LACC))
.....Respondent)

GROWING OUT OF THE CASE:

Dr. Isaac P. Podah, President of Lofa County University,)
Danwolo B. S. Catakwa, VPA; Anthony C. Crayton, and)
Varmuyan L. Kanneh, all of the City of Vonjama, Lofa)
County, Liberia.....Movants)

Versus

MOTION FOR JUDGMENT
OF ACQUITTAL

Republic of Liberia, by & thru)
the Liberia Anti-Corruption Commission (LACC))
.....Respondent)

Heard: March 17, 2026

Decided: May 20, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

The movant, in the present motion to dismiss appeal, Dr. Isaac P. Podah, has called upon this Court to dismiss the respondent's appeal, alleging essentially in his six-count motion to dismiss appeal that the respondent having noted exceptions to the ruling of the trial court and announced an appeal therefrom, filed its bill of exceptions within the timeframe as provided for by law; that following the filing of the bill of exceptions, the respondent neglected to file and serve its appeal bond and to serve and file its notice of completion of appeal as per the dictates of the appeal statute. In support of its motion to dismiss the respondent's appeal, the movant relied on Civil Procedure Law Revised Code: 1: 51.4 which provides as follow to wit:

"The following acts shall be necessary for the completion of an appeal:

- (a) Announcement of the taking of the appeal;
- (b) Filing of the bill of exceptions;
- (c) Filing of an appeal bond;
- (d) Service and filing of notice of completion of appeal

Failure to comply with any of these requirements within the time allotted by statute shall be ground for the dismissal of the appeal.”

To the contrary, on March 12, 2026, the respondent filed a ten-count resistance to the motion to dismiss appeal contending basically that the movant’s motion to dismiss appeal is a fit subject for dismissal considering the fact that the appeal provisions of the Criminal Procedure Law do not require the filing of an appeal bond; and that the movant was constructively served the notice of completion of appeal by the Clerk of the Tenth Judicial Circuit, Lofa County.

Having stated the basic contentions of the movant and respondent respectively, we first observe from the case caption that the present motion to dismiss appeal emanates from a criminal matter. This means that the guidepost prescribed in the Criminal Procedure Law Revised Code: 2: 24.7 is applicable to this motion to dismiss appeal.

However, a further inspection of the motion to dismiss appeal reveals that the movant basically relied on the Civil Procedure Law Revised Code: 1: 51.4 as the statutory basis for filing the present motion to dismiss appeal. We are convinced that this singular error is the primary reason the movant indicated as one of the grounds for the dismissal of the appeal-the failure of the respondent to file an appeal bond.

The Criminal Procedure Law Revised Code: 2: 24.7. titled “Requirements for completion of appeal,” states as follows:

“1. *Necessary steps.* The following shall be necessary for the completion of an appeal:

- (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.

Failure to comply with any of the requirements stated in this paragraph within the time allowed by statute shall be ground for dismissal of the appeal.

2. *Appeal bond and motion for new trial unnecessary.* No appeal bond need be furnished on appeal in a criminal case. Neither is a motion for a new trial a prerequisite for the completion of an appeal in any such case.”

The statute is clear that the filing of an appeal bond is not a requirement for the perfection of an appeal in a criminal case. Hence, the movant's assertion that the respondent neglected to file and serve an appeal bond is misreading of the appeal provisions applicable to criminal cases and we so hold.

As regards the movant's allegation that the respondent did not serve and file its notice of completion of appeal as required by the appeal statute in criminal proceedings, the respondent countered this position by contending that the movant was constructively served the notice of completion of appeal by the Clerk of the Tenth Judicial Circuit, albeit the requirement of the appeal statute that the notice of completion of appeal be served by the respondent/appellant himself. The movant failed to rebut or deny this allegation by the respondent. This Court has held in a long line of Opinions that allegations not denied are deemed admitted. *In Re: Contempt Proceedings Against Daniel Tubman et al*, Supreme Court Opinion, October Term, A.D. 2022; *TIC v. MOJ*, 42 LLR 174, 178 (2004). Hence, the movant's failure to deny or rebut the allegation that the Clerk of the Tenth Judicial Circuit served a copy of the notice of completion of appeal on him is deemed an admission that the clerk indeed served a copy of the notice of completion of appeal on the movant.

Moreover, the principal reason for the statute requiring that the notice of completion of appeal be served on the appellee is to give the appellee notice of the completion of the appeal process by the appellant. In the instant case, although the respondent did not strictly follow the dictates of the appeal statute applicable in criminal proceedings; notwithstanding, the movant still received adequate notice of the respondent's completion of the appeal process by the service of the notice made on him by the Clerk of the Tenth Judicial Circuit. Hence, taking due note of the fact that the notice of completion of appeal was served on the movant by the clerk within the sixty-days statutory period as required under the appeal statute and further noting the fact that the appeal is already pending final determination before this Court, we will proceed to hear the appeal on its merits.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the motion to dismiss the respondent's appeal is denied and the case is ordered proceeded with on its merits. The Clerk of this Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. AND IT IS HEREBY SO ORDERED.

Motion denied.

When this case was called for hearing, the movant was represented by Counsellor Jimmy Saah Bombo of the Central Law Offices, Inc. The respondent was represented by Counsellors James Nyanneon Nyepan, E. Boakai Harvey and Bobby F.W. Livingstone of the Liberia Anti-Corruption Commission.