

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

BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SRCHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Republic of Liberia, by and thru Lucia Wreh of the City of)
Monrovia, Liberia.....Movant)
)
Versus) MOTION TO DISMISS
) APPEAL
Prince Taylor, of the City of Monrovia, Liberia.....Respondent)
)
GROWING OUT OF THE CASE:)
)
Prince Taylor, of the City of Monrovia, Liberia.....Appellant)
)
Versus) APPEAL
)
Republic of Liberia, by and thru Lucia Wreh of the City of)
Monrovia, Liberia.....Appellee)

Heard: March 17, 2026

Decided: May 21, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

The motion to dismiss appeal arises from a judgment rendered by the Criminal Assizes "A" on July 31, 2025, which affirmed, with modification, the ruling of the West Point Magisterial Court. The Criminal Assizes "A", in its modification of the ruling, reduced the respondent's sentence from six (6) months of imprisonment to three (3) months.

The movant requests this Court to dismiss the appeal filed by the respondent from the said judgment on the ground that the respondent failed to superintend its appeal by neglecting to submit the certified copy of its records before the Supreme Court within the period of ninety (90) days as prescribed by the Civil Procedure Law, Rev. Code 1:51.11.

In resisting the motion to dismiss the appeal, the respondent has argued that the said motion should be denied as it is filed in bad faith and is meant to merely obtain judgment on mere technicality contrary to our criminal statute which requires that judgment in a criminal conviction be obtained beyond reasonable a doubt and that the said motion should be denied also because appeal is a constitutional right that should be held inviolable by this Court;

therefore, this Court should deny the motion to dismiss its appeal and proceed to hear the case on its merits in order for justice to be done.

Recourse to the records reveals that the respondent was charged for the alleged commission of the crimes of menacing and simple assault as a result of a complaint brought against him (respondent) by the movant before the West Point Magisterial Court. The matter was heard and the respondent was adjudged guilty. The respondent announced an appeal, and the case was transferred to the First Judicial Circuit, Criminal Assizes "A". The appeal was heard by Court "A" and the judge rendered a judgment upholding the ruling of the magisterial court but with modification, reducing the sentence from six (6) months to three (3) months to which ruling the respondent excepted and announced an appeal to this Court.

The records show that the respondent signed for the said ruling on August 7, 2025, and that he (respondent) filed his bill of exceptions, his appeal bond and his notice of completion of appeal. The records also show that the respondent failed to transcribe the records to this Court within a period of six (6) months as evidenced by the Clerk's Certificate issued by the Clerk of the Supreme Court.

It is evident from the records that the respondent complied with the mandatory steps of perfecting his appeal, namely; he filed his bill of exceptions, his appeal bond, along with his notice of completion of appeal within the statutory period, thus completing the jurisdictional steps required for the perfection of an appeal and the said appeal was properly venue before this Court.

However, the movant's argument is that the respondent has abandoned his appeal by his failure to transcribe the certified records to this Court within ninety (90) days in keeping with law as provided for in the Civil Procedure Law, Rev. Code. 1:51.11 for a period of up to six (6) months; therefore, this Court should refrain from hearing respondent's appeal on its merits and dismiss the appeal.

As stated above, the respondent's has argued that the motion is filed in bad faith and should be denied because the standard of proof for criminal conviction in our jurisdiction is proof beyond reasonable doubt and that he has complied with the mandatory steps of perfecting his appeal, but the movant is trying to evade the process and have the appeal dismissed based upon mere technicality.

The issue that we must address to judicially bring an end to the current controversy is: whether or not, based upon the facts and circumstances of this case, the appellant's failure

to transcribe the records from the trial court to the Supreme Court within a period spanning six (6) months is tantamount to an abandonment of the respondent's appeal and whether such abandonment is a ground for dismissal of its appeal?

The movant/appellee has argued that because the respondent/appellant has not transcribed his records to this Court for the past six months (6) months; therefore, the appeal should be dismissed as the failure of the respondent/appellant to transcribe his records before this Court is tantamount an abandonment of his appeal.

Respondent has argued his failure to transcribe his records to this Court is not a ground for dismissing an appeal; moreover, he has already transcribed his records before this Court, and as such the movant motion should be denied as it has no legal basis.

Our Criminal Procedure Law, Rev. Code 2:24.11 provides that: *"The clerk of the trial court shall transmit at least six copies of the record on appeal to the appellate court within ninety days after rendition of the judgment, or imposition of the sentence, or granting of the order from which the appeal is taken. A copy shall be served on the appellee within the same time limit. The clerk of the appellate court shall docket the case forthwith and forward a receipt for the record to the clerk who transmitted it. **No fees are payable to the clerk of any court for preparation or transmission of the record on appeal or for filing or docketing the appeal.**"*

This provision of the statute quoted is not a ground for dismissing an appeal. Movant has however argued that this Court has dismissed series of appeals for failure of the appellant to transcribe the records to the Supreme Court within ninety (90) days. *The Intestate Estate of Gobbeh Kamara and Satta Kamara v. The Intestate Estate of J. Lamark Cox*, Supreme Court Opinion, October Term, 2023; *Nat'l Housing & Savings Bank v. Gordon*, 35 LLR 323, 326.

The facts of the case cited and relied upon by the movant are not analogous to the case at bar, especially given the fact that the cases cited by the movant are all civil cases and the instant case is a criminal case.

In the case at bar, even though, the respondent failed to transcribe his records to this Court for a period of six (6) months spanning almost a year, this Court does not find it feasible to dismiss the appeal as the respondent procedurally as a defendant in a criminal matter has no responsibility in ensuring or superintending the transcription of the records to this Court and as such it is the considered opinion of this Court that the appeal must be heard on its merits.

Moreover, the provision of the Criminal Procedure Law cited is clear that the transcription of the records in a criminal case is squarely on the clerk, and the defendant is not expected to spend any money to superintend the transcription of the records to any clerk of any court for the transcription of the records to the Appellate Court. The language of the provision of the Criminal Procedure Law cited implies that it is the State that has the responsibility to transcribe the records in a criminal case and not the defendant. The standard for transcribing records is not the same as in our Civil Procedure Law.

In the present case, though the records were not transcribed to this Court for a period of six (6) months, the respondent bears no responsibility for the delay in transcription of the records to this Court and same cannot be construed as abandonment.

This Court says that procedural rules are meant to promote justice and not defeat it, while a case may be dismissed for abandonment by this Court, this Court will treat every case that comes before it on a case-by-case basis and the abandonment rule while it is active, must be applied reasonably and in cases as in this case where the respondent made efforts to have the records transcribed to this Court or where the respondent bears no responsibility for failure to timely transcribe the records to this Court, the said case will not be dismissed for abandonment. Additionally, to dismiss this appeal, where the records are complete and no prejudice has resulted to the movant, would amount to a miscarriage of justice.

Additionally, the enforcement of abandonment in our practice is ultimately a matter of judicial discretion, exercised to protect and not extinguish the right of appeal, as the abandonment provision provides a framework within which this Court evaluates whether the respondent's action amounts to abandonment or not.

This Court may dismiss an appeal for abandonment where there is showing that the respondent delay in transcribing the records is inordinate, the respondent has shown no diligence in transcribing the records or there is a showing that the movant was prejudiced by the delay of the matter.

We hold under the circumstances that the respondent did not abandon his appeal and as such the motion should be denied.

WHEREFORE AND IN VIEW OF THE FOREGOING, the motion to dismiss the respondent's appeal is hereby denied, and the Court shall proceed to hear the appeal on its merits. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR AUGUSTINE C. FAYIAH, SOLICITOR GENERAL, REPUBLIC OF LIBERIA, APPEARED FOR THE MOVANT. COUNSELLOR TOMMY N. DOUGBAH APPEARED FOR THE RESPONDENT.

Denied.