

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

J. Fonati Koffa, Dixon W. Sebo, Abu B. Kamara, K. Jacob C.B. Debbie,))
Christian Kofa, John Nyanti, Eric Sussay, Thomas Issac Etheridge, and))
Stephen Broh of Monrovia, Republic of Liberia.....Petitioner))

Versus

) PETITION FOR
) THE WRIT OF
) PROHIBITION

His Honor Roosevelt Z. Willie, Resident Circuit Judge, Criminal Court)
"A", Montserrado County, Republic of Liberia.....1st Respondent))

And

Republic of Liberia by and thru the Ministry of Justice in the City of)
Monrovia, Montserrado County.....2nd Respondent))

GROWING OUT OF THE CASE:

Republic of Liberia by and thru the Ministry of Justice in the City of)
Monrovia, Montserrado County.....Movant))

Versus

) MOTION TO
) DISBAND THE
) TRIAL JURY

J. Fonati Koffa, Dixon W. Sebo, Abu B. Kamara, K. Jacob C.B. Debbie,))
Christian Kofa, John Nyanti, Eric Sussay, Thomas Issac Etheridge, and))
Stephen Broh of Monrovia, Republic of Liberia.....Respondents))

Heard: July 1, 2026

Decided: August 28, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

This matter is before this Court from a ruling made by the trial judge disbanding the jury based upon a motion for the disbandment of the trial jurors filed by the Government of Liberia, respondent herein.

Before proceeding further, it is necessary that we state the salient facts that pertain to this matter.

This matter originated from the Criminal Assizes "A" when the Prosecution, the Government of Liberia, indicted J. Fonati Koffa et.al, movants herein for the crimes of: *"arson, criminal mischief, criminal conspiracy, criminal solicitation, criminal intent to commit murder,*

aggravated assault, illegal possession of firearm, release of destructive forces, recklessly endangering another person and theft of property."

The movants were arraigned and they pleaded not guilty to all the charges and therefore joined issue with the state. Consequently, the state came under a legal duty to prove its case against the movants beyond a reasonable doubt. On December 3, 2025, the respondent (prosecution) prayed the court for the qualification of its first witness. The respondent's first witness, Rafael Wilson, took the witness stand and testified that he is an Assistant Commissioner of Police and testified to various audios and pictures in the court file. During his testimony, he testified to a lot of things but key to this case is a particular statement he made to a question posed by juror J30-9863 which we now quote:

Q: *"Mr. Witness, during your testimony and also the audio that you presented to us, the first day of your testimony, you brought a photo and you did a screening for us to see on the board, you identified some of the defendants in the dock saying that they were planning to burn down the capitol, you also made us to understand that there were no CCTV cameras, how did you manage to get the photos that you presented to us?"*

A: *"So, there are several photos that were displayed on the first day of my appearance before this court, one of several photos showed you how the outside of the capitol building looks, another photo shows you how the joint chamber was looking until Sunday, November 10, 2024; another photo showed you Defendant Etheridge participating with other colleagues on that Sunday during the desecration of the joint chambers. How that photo was gotten, from his phone. Another photo showed you the blaze of fire, one of the blazes of fire was obtained from defendant Etheridge's phone. It also showed you the Wednesday, December 18, 2024 and how damaged those places, meaning the joint chambers, the fourth floor and the dome area. It is during the investigation when we gain access to these affected areas, we did photographs. Another photographs showed you where the chloral bottle and that matches box were and it was also taken by the investigation during the discovery of said evidence."*

To this answer, the juror followed with up with another question: *"Mr. Witness, can you please bring the photo so we can see it, because for me I did not identify anyone on that photo."*

The witness later displayed the video on the next day after permission from the court, after the video was displayed, the same juror made this follow up question: *"Mr. Witness, for the photo you just exhibited on the screen, that person looks like a Chinese, and what I saw as Etheridge, are they the same?"*

What followed after this is the center of this controversy. After this question by the juror, the witness made the following remark: *"the Jurymen J30-9863 has already formed an opinion by making a statement that the photo in the video does not represent Thomas Etheridge but a Chinese"*. Following this, the prosecution agreed with its witness' interpretation of the juror's comment and thereafter filed a motion alerting the court that this question was damaging and that it shows that the juror in question had already formed a biased opinion about the case; the prosecution then prayed the court for the statement to be recorded on the minutes of the court. Thereafter, at the call of the case on Monday, December 29, 2025, the prosecution while making its representation informed the court that it had a submission to make on the records, after the movant had made its representation, the prosecution was ordered to make its submission.

The prosecution in its submission asserted that *the entire panel of trial jurors in the case has demonstrated an inability to render an unbiased, independent, and impartial verdict; that during the December 22-23, 2025 proceedings, several jurors openly consulted among themselves and exchanged questions before posing them to the prosecution's first witness; that this conduct, they argue, reflects a lack of independent judgment and violates the standards of juror sequestration and impartiality set forth in Section 19 of the Jury Procedure Manual; that the court itself observed and cautioned jurors against such consultation, thereby confirming the impropriety of their behavior; that these actions have contaminated the juror panel and rendered it legally disqualified; that as an additional example, the conduct of Juror J30-9863, who requested the replay of a video recording and, after viewing it, expressed an opinion through his statement that the individual shown "looks like a Chinese man and not Etheridge,"; that this statement constitutes premature formation of a final opinion while evidence was still being presented, in violation of the juror's oath to maintain an open mind until deliberations. The Prosecution concluded that the jurors' collective conduct, consulting among themselves, exchanging questions, and forming premature opinions, demonstrates partiality and incapacity to fairly adjudicate the matter. The prosecution therefore requested through their submission that the entire venire be disbanded and replaced to preserve the integrity of the trial.*

The petitioners herein, in resisting the submission made by the prosecution argued that the prosecution's motion to disband the entire jury panel is legally defective, unsupported by the record, and constitutes an unwarranted attack on citizens performing their civic duty; that the prosecution failed to identify any specific juror misconduct, relying instead on vague and speculative claims, such as alleged note-passing and consultation among the jurors, allegations that were never raised on the record or brought to the Court's attention when they

supposedly occurred; that regarding Juror J30-9863, the defense averred that the prosecution misquoted the juror's remark as the record show that the juror ended his comment with the question, "*are these two people, the one in the video and the one in the dock, are they the same?*", which the Defense characterizes as a legitimate fact-finding inquiry rather than a premature conclusion; that even if misconduct were assumed, the defense argues that the actions of one juror cannot be imputed to the entire panel; that there exist no evidence of any juror being biased, infiltrated, or contaminated, especially given that the jurors are sequestered under the protection of state security agencies; that the prosecution's allegations are not only unfounded but implausible, as the defense has no access to the jurors, whereas the prosecution controls the police, bailiffs, and investigative apparatus; that the prosecution improperly made the motion in open court in the presence of the jurors, an act they describe as irregular, intimidating, and designed to grandstand after the defense's cross-examination exposed weaknesses in the prosecution's case; that it is unfounded to suggest that the trial judge observed misconduct with the jurors as no such record exists and granting the said submission would improperly make the court a partisan witness; that the prosecution has cited no legal authority under Chapter 22 of the Jury Law to justify disbandment, and that the only permissible ground, manifest necessity, has not been shown; therefore, disbanding the jury mid-trial would be unprecedented, unprocedural, and severely prejudicial to the defendants, who are already detained.

The defense therefore prayed the court that the motion be denied and the trial ordered proceeded with and the prosecution be made to produce its next witness.

After the submission was made and the resistance thereto, the trial judge entertained arguments and thereafter made a ruling disbanding the jury and ordering a new trial on grounds that: *juror J30-9863 did form a premature and prejudicial opinion during juror questioning and that the judge determined that that the statements made by both Prosecution and Defense counsels during the motion and resistance, while the jurors were present, were inflammatory and violated Rule 23 of the Code of Moral and Professional Ethics for Lawyers. Statements such as describing jurors as "incompetent," "worthless," or accusing the judge of chastising jurors were deemed capable of stirring strong emotions and contaminating the panel. Because these remarks occurred in open court in the jurors' presence, the court concluded that the entire venire had been compromised.*

The judge then ruled granting the submission as made by the prosecution and disband the jury and ordered a new trial.

Based on these findings, the Court ruled that the entire jury panel had been compromised, declared a mistrial, and ordered the jury disbanded. A new trial must therefore commence afresh.

Predicated upon this ruling, the defendants (petitioners) herein thru their legal counsels excepted and filed a petition for the writ of prohibition before Chambers Justice. The Chambers Justice, upon receiving the file, forwarded the matter to the Court *en banc* for determination on grounds that constitutional issues had been raised in the petition.

The petitioners, J. Fonati Koffa et al., in their petition for the writ of prohibition, contend that the trial judge erred in granting the prosecution's motion to disband the jury and order a new trial and that same should be undone because the said actions of the trial judge are unlawful and illegal. They argued that after the jury was duly selected, qualified, and empaneled, the trial commenced with the prosecution's first witness; that the witness was examined, cross-examined, and discharged in accordance with law; that during juror questioning, one juror sought clarification regarding the identity of a defendant depicted in a video played in open court; that the prosecution interpreted the juror's question, "*the person I see in the video looks like a Chinese man... are they the same?*", as evidence of bias and immediately moved to disband the entire jury panel; that the petitioners resisted, arguing that the alleged conduct of a single juror could not taint the entire panel, that no evidence supported claims of juror misconduct, and that the prosecution's assertions amounted to speculation; that the prosecution failed to demonstrate manifest necessity, the only lawful basis for aborting a criminal trial once jeopardy has attached; that despite the absence of evidentiary support and despite the prosecution not raising manifest necessity as a ground, the presiding judge granted the motion, disbanded the jury, set aside all proceedings, and declared a mistrial. The petitioners further argued that the judge's ruling was based on grounds he independently injected into the case, rather than on any issue properly raised by the parties. They further argue that the trial-judge improperly attempted to preempt future judicial review by suggesting that his successor would be bound by his characterization of the events as manifest necessity.

The petitioners then invoked Civil Procedure Law Rev. Code 1:16.22, which authorizes prohibition not only to restrain unlawful judicial action but also to undo acts already done illegally. They rely on controlling precedents as held by this Court in previous opinions that prohibition will lie to reverse judicial actions taken without jurisdiction or in violation of law.

The petitioners then prayed this Court to grant the writ and declare the trial judge's action as illegal, unjustified and prejudicial and that a mistrial should be declared and the petitioners be

discharged from further answering the indictment, as any subsequent trial on the same charges would be constitutionally barred.

The respondent filed its returns to the petitioners' petition, in its response, it urge this Court to deny the amended petition for a writ of prohibition on the grounds that the trial judge's decision to disband the jury and declare a mistrial was a lawful exercise of judicial discretion grounded firmly in the doctrine of manifest necessity. They contend that the petitioners have failed to demonstrate any illegality or jurisdictional defect that would justify the issuance of the extraordinary writ, the respondent argued that the record reveals that during the playback of video evidence on the 37th day of jury sitting, Juror J30-9763 openly stated that the individual depicted "looked like a Chinese man," and inquired whether that person was the same as Co-Defendant Etheridge; that this statement constituted an impermissible prejudgment of a material fact, the identity of the accused, prior to the close of evidence; that under Liberian law, a juror must refrain from forming or expressing any conclusion until the case is submitted for deliberation; that the trial judge rightly found that the juror "had made up his mind and assumed a position... before all the evidence was presented," a finding which is supported by the record; that some jurors were seen exchanging notes and consulting among themselves and that even though these allegations were not documented, the trial judge considered these behaviors as part of the totality of the circumstances undermining the impartiality of the panel and the trial judge was not required to wait for a compromised verdict before acting; the respondent maintain that the trial judge acted within the scope of his discretion in concluding that the integrity of the proceedings had been compromised and that continuation of the trial would not guarantee a fair and impartial verdict; that the petitioners assert that the trial judge improperly introduced new grounds, specifically "inflammatory statements" by counsel, to justify the mistrial; the respondents deny this characterization, arguing that the judge merely referenced the broader context in which the juror misconduct occurred; that the judge did not rely on counsel's statements as an independent basis for disbanding the jury, but rather considered them as part of the factual matrix informing his assessment of trial fairness; that respondent further argued that the allegation trial judge exhibited bias or sought to preemptively bar a double-jeopardy claim is untenable as the judge's comments regarding the potential inapplicability of double jeopardy were legal observations flowing naturally from his finding of manifest necessity and a successor judge remains free to access any future double-jeopardy plea; that prohibition is a special proceeding capable of restraining or undoing illegal judicial acts; however, prohibition will not lie to correct mere errors of judgment or to review discretionary ruling where the inferior court acted within its jurisdiction and as such prohibition will not issue where an adequate remedy

by appeal exists; that the trial court possessed unquestioned jurisdiction over the criminal offenses charged, and that the judge's ruling was a reasoned application of established legal principles governing mistrials. They submit that the Petitioners have failed to demonstrate any illegality or usurpation of judicial power. Accordingly, prohibition cannot be used to "undo" a ruling that was lawful, discretionary, and supported by the record.

The respondent then prayed that the petitioner's petition should be denied and the alternative writ quashed and the matter ordered proceeded with consistent with law.

We have scrutinized the petition and the returns and other evidence and records certified to this Court and the issue that is dispositive of this controversy is whether under the prevailing circumstances and the facts pertaining thereto, prohibition will lie?

The petitioners have argued that prohibition is the appropriate remedy under the circumstances, while the prosecution/respondent has argued that the prohibition will not lie under the circumstances.

We start by defining and revisiting the historical office, nature and function of the writ prohibition according to our jurisprudence in order to have a fair appreciation and understanding of this extraordinary writ.

The writ of prohibition is among the oldest extraordinary remedies known to the common law. Long before the development of modern appellate practice, superior courts utilized the writ to restrain inferior tribunals from exercising powers beyond those conferred upon them by law. The purpose of the writ was not to provide litigants with a convenient means of correcting judicial mistakes, but rather to preserve the proper distribution of judicial authority and to prevent inferior courts from usurping powers belonging elsewhere. Liberia inherited this understanding through the adoption of the common law and later codified this writ in the Civil Procedure Law of Liberia.

Our Civil Procedure Law defines prohibition as a special proceeding to obtain a writ ordering the respondent to refrain from further pursuing a judicial action or proceeding specified therein. Civil Procedure Law Rev. Code 1:16.21.

The language of the statute is clear and unambiguous. The purpose of the writ as seen from the definition is that the writ exists to restrain or prohibit certain actions or proceedings.

One of the earliest authoritative pronouncement on the nature and office of this peculiar writ by this Court was in a case as far back as 1925, where this Court espoused the foundational holding that prohibition anchors primarily on two grounds: first, where an inferior court acts

without jurisdiction over the parties, or second, where a court, although possessing jurisdiction, attempts to proceed by rules different from those which ought to be observed at all times. This Court went further to say that this writ is never allowed except in cases of usurpation, acts that are *ultra vires* and abuse of power. *Parker v. Worrell*, 2 LLR 525,526 (1925).

Our contemporary and modern jurisprudence on the office and reach of the writ of prohibition rests on this fundamental holding as espoused by this Court in the above-mentioned case.

It is clear that in determining whether a petition for the writ of prohibition will lie, this Court must always draw and distinguish the thin line between jurisdictional usurpation and mere ordinary judicial error. This Court has always made it its duty to properly distinguish between inferior courts acting without authority and inferior courts exercising its authority, whether imperfectly or erroneously or not and has consistently held that the former invites prohibition, the latter appellate review or some other remedy as available by law.

This principle was further reaffirmed by this Court, when it held in the case *Guiguae v. Jallah*, 20 LLR 163,165 (1971), that, "*prohibition prevents inferior courts or tribunals from assuming jurisdiction not legally vested in them. It cannot correct errors and irregularities committed in a trial, for adequate and complete remedy therefor lies in appeal, writ of error or certiorari.*"

This holding has again been affirmed by this Court even in our contemporary dispensation and has even been further interpreted to mean an extra-ordinary writ issued by the appellate court to prevent or restrain an inferior court or administrative tribunal from taking action in a case over which it does not have jurisdiction, or where it acts beyond its jurisdiction or attempts to proceed by rules different from those which ought to be observed at all times. *The Dennis Family et al. v. Othello Parker*, Supreme Court Opinion, October Term, 2022; *GOL v. MDMC (Appeal)*, Supreme Court Opinion, March Term 2025.

Having established the office of prohibition, it is obvious that the next step of our inquiry is to examine the trial judge's ruling to disband the jury to determine whether it was in the exercise of lawful authority.

Firstly, we deem it expedient to point out that the petitioners herein do not challenge either the trial court's jurisdiction over the subject matter, as such a challenge would amount to absolute absurdity, nor could the petitioners challenge the trial court's jurisdiction over their persons as same would be preposterous under the circumstances.

The primary argument advanced by the petitioners in their petition before this Court is that the trial judge's ruling disbanding the jury and ordering a new trial on the ground that the jury is compromised and therefore could not make a fair decision is erroneous and therefore the trial judge should be prohibited from proceeding further with the matter and that what he had done should be undone through the office of prohibition.

This argument, no matter how substantive it may be or may sound, at the core, challenges a decision made by the judge within the exercise of his lawful and legal authority, so, assuming that the ruling of the trial judge which the petitioners are now challenging through the petition for the writ of prohibition was erroneous (a determination we do not herein make), such decision was done within the exercise of lawful authority or within the confines of appropriate jurisdiction. The court where the case is being tried had jurisdiction over the parties and the subject matter, and our laws are clear that a trial judge may disband the jury if he genuinely believes that there is jury misconduct or other issues which will make it impossible for the jury to reach a fair and unbiased decision. *Criminal Procedure Law Rev. Code 2:22.1*.

Our case law is also replete on this issue, that it is an elementary principle of law that a trial judge is under a mandatory duty to immediately suspend the trial and conduct an investigation whenever allegations of jury tampering are raised, and depending on the findings, disband the jury and award a new trial. *Camer Liberia Corporation v. A.H. Basma and Sons*, 32 LLR 100; *Fangi v. RL*, 42 LLR 74, 83; *Gould et.al v. RL, Supreme Court Opinion*, October Term, A.D. 2007.

We note that the petitioners have vehemently argued and contend that prohibition can undo what was illegally done and therefore prohibition was the proper remedy. This Court acknowledges and affirms that prohibition can undo what was illegally done; notwithstanding, in the instant case, where the jury has been disbanded and a new trial awarded, what could have been undone by prohibition? Assuming, arguendo, that the petition for a writ of prohibition is granted, it would be wholly untenable for the judge to recall and re-empanel jurors who have already been discharged and have since reintegrated into the community. Such a proposition is not only legally unsound but also manifestly preposterous.

The ruling which the petitioners have challenged through the writ of prohibition was rendered within the ambit of law. The court had jurisdiction over the parties, had jurisdiction of the subject matter and did not proceed by the wrong rules, every action taken within the instant case by the trial court was done in the exercise of lawful jurisdiction.

We are now compelled to ask the question whether the lower court's ruling was interlocutory or not.

To answer this question, we now turn our attention to the minutes of this Court on the 29th Day's Session, when this matter was heard to examine the questions posed by the bench to one of counsels for the petitioners and the answers provided thereto so as to provide further clarity for our holding here today:

Q: Why Prohibition?

A: The decision was a final judgment and certiorari would not have been the proper course of action, Your Honors.

Q: Why was an appeal not announced?

A: We couldn't have appealed, Your Honors.

Q: Didn't the petitioners want a review of the judge's decision?

A: We want a declaration that the judge acted unlawfully, Your Honors.

This line of answering shows that the petitioners herein are on a fishing expedition! If they genuinely believe that the said decision of the trial judge was final, why did they not come by regular appeal, but rather are seeking to have this Court declare the ruling of the trial judge unlawful, a quest, which we have already determined as futile.

It is obvious that the decision of the trial judge was not final. A final ruling or judgment, this Court has held, is one which determines and disposes of the whole merit of the cause before the court by declaring that the plaintiff is or is not entitled to recover by the remedy chosen, or which completely and finally disposes of a branch of a cause which is separate and distinct from other parts thereof; it is one which terminates the litigation between the parties on the merits and leaves nothing to be done except enforcement by execution of what has been determined. *Liberia Tractor and Equipment Company v. Sonpon*, 35 LLR 329, 334-335 (1988); *Kru and Wolo v. Tarpeh and Doe*, 19 LLR 472, 475 (1970).

An interlocutory ruling on the other hand is one which lacks finality; one which is rendered in the middle of a cause upon some plea, proceeding or default; one which is only intermediate and does not finally determine or complete the suit; and that a judgment is interlocutory when it is made before a final decision, for the purpose of ascertaining a matter of law or fact preparatory to a final judgment, or which determines some preliminary or subordinate point or plea, or settles some step, question, or default arising in the process of the case, but does not adjudicate the ultimate rights of the parties or finally put the case out of court. *His Hon. Holder et al. v Sirleaf-Hage et al.*, Supreme Court Opinion, October Term 2013.

This Court has also held that: "if the inferior court or tribunal has jurisdiction of both the subject matter and the person, prohibition will not lie to correct errors of law or fact for which there is an adequate remedy by appeal or otherwise, whether such errors are merely apprehended or have been actually committed. Doe et al., v. Randolph, 35 LLR 724, 736 (1988). *Liberia Trading and Development Bank v. Mathies and Brasilia Travel Agency*, 39 LW 272 (1998).

The Court also observed with concern that the trial judge's ruling disbanding the trial juror did not primarily focus on the substance of the prosecution application, rather it emphasized the misbehavior, uncouth and ungentlemanly behavior of lawyers in the bar and their pronouncement which may have influenced the trial jury. Under Rule 23 of the Code of Moral and Professional Ethics, the conduct exhibited by counsels in this matter was plainly inconsistent with the ethical standards governing the legal profession.

Rule 23 of the Code of Moral and Professional Ethics provides that: "*all attempts to court the favor of the impaneled jury by fawning, flattery or pretended solicitude for their personal or collective comfort, during the trial of a case, are unprofessional. A lawyer should never converse privately with the panel or any member thereof, before the return of their verdict; and both before and during the trial, he should avoid communicating with them, even as to matters foreign to the case. A lawyer should avoid entertaining, or granting favors to members of a panel during the hearing of the case, or immediately after the jury has returned a verdict for his client; in which the case his said act is indecent, and in the latter case could be regarded with professional suspicion.*" Hence, Judge Willie ought to have been firm enough and reprimand the lawyers involved in such misbehavior so as to deter them from future occurrence. This court warns against lawyers grandstanding in court in an attempt to influence the judgment of the court or the jury.

Giving our analysis and holding herein, we need not belabor the fact that this ruling made by the trial judge is not only within the exercise of his lawful authority, but that it is also not a final judgment but an interlocutory ruling, as the indictment which brought the petitioners under the jurisdiction of the court is still active and pending before the court and the trial judge in his ruling ordered a new trial, which means the matter is still pending before the court; therefore, the petitioners urge to have this Court treat the ruling as final, is unpersuasive and defeated by their failure to announce an appeal.

Our Civil Procedure Law, Rev. Code 1:16.21, provides that: "Certiorari is a special proceeding to review and correct decisions of officials, boards, or agencies acting in a judicial capacity, or to review an intermediate order or interlocutory judgment of a court."

Moreover, the Supreme Court has opined that "the writ of certiorari is for the purpose of correcting errors committed by a subordinate court or other body while a matter is pending, and when such errors materially prejudice or injure the rights of a party." *William v. Clarke* 2 LLR 130,132 (1913); *TRADEVCO v Mathies, et. al.*, 39 LLR, 578, 585 (1999); *Friends of Liberia Association v. Thompson et al*, 41 LLR 174, 179 (2002).

This being cleared, interlocutory rulings made by inferior courts are subject to review through the petition for the writ of certiorari or other remedies but certainly not prohibition. *Gaiguae v. Jallah, IBID.*

The extraordinary writ of prohibition will not lie for grievances that may be redressed in the ordinary course of judicial proceedings by other remedies provided by law; prohibition can only be granted in cases of manifest necessity where other remedies are not available. *Fazzah v. National Economy Committee*; 8 LLR 85 (1963); *Harris v. Smith*, 26 LLR 275 (1977).

As already herein stated, the judge acted within the ambit of lawful legal authority, had jurisdiction over the parties and the subject matter and rendered a decision within his power and as such prohibition will not lie.

Accordingly, this Court holds that the petitioners have failed to establish that the trial court exceeded its jurisdiction, proceeded by rules different from those required by law, or otherwise committed an act warranting the issuance of the extraordinary writ of prohibition, the said petition for the writ of prohibition will not lie.

WHEREFORE AND IN VIEW OF THE FOREGOING, the peremptory writ of prohibition issued is quashed and the alternative writ denied. The Clerk of this Court is ordered to send a mandate to the court below commanding the judge presiding therein to resume jurisdiction and give effect to this ruling. IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLORS M. WILKINS RIGHT, ARTHUR T. JOHNSON, JONATHAN T. MASSAQUOI, JAMES N. KUMEH, J. QUIQOE DENNIES, AND MOMOLU G. KANDAKAI APPEARED FOR THE PETITIONERS. COUNSELLORS AUGUSTINE C. FAYIAH, SOLICITOR GENERAL, REPUBLIC OF LIBERIA, JERRY D.K. GARLAWULO, RICHARD J. SCOTT, COUNTY ATTORNEY FOR MONTSEERRADO COUNTY AND J. ALDOPHUS D. KARNUAH OF THE MINISTRY OF JUSTICE APPEARED FOR THE RESPONDENT.

Petition Denied.