

MONT/MCC/CRC/923/2017/CCC/CRC/024/2017  
22<sup>TH</sup> DAY'S JURY SITTING  
FRIDAY, MARCH 8, 2019  
FEBRUARY TERM, A.D. 2019

CRIMINAL ASSIZES "C"  
SHEET 1

**BEFORE HIS HONOR J. BOIMA KONTOE.....ASSIGNED CIRCUIT JUDGE PRESIDING**

CHARLES E. SIRLEAF, DEPUTY GOVERNOR FOR OPERATION, CENTRAL BANK OF LIBERIA, OF THE CITY OF MONROVIA, LIBERIA, MOVANT VERSUS REPUBLIC OF RESPONDENT CRIMES: ECONOMIC SABOTAGE, CRIMINAL CONSPIRACY AND CRIMINAL FACILITATION CASE CALL FOR HEARING OF MOTION TO ADMIT TO COMPASSIONATE LEAVE/BILL.

SHERIFF REPORT: Sheriff begs to report that the case is call and counsel for Movant present and Respondent/The state is present. **AND SUBMITS.**

MOVANT, Charles E. Sheriff is represented as per record with Cllr. J. Johnny Momoh present in court. submits.

While the Respondent/The State is represented by the Ministry of Justice and present in court are Cllr. Darku Mulbah, Solicitor General, RL and Cllr. Jerry D.K. Garlawolu. Counsel say Respondent has a submission to be spread on the minutes of court after parties representations are dully noted by Your Honor. And Respectfully Submits.

THE COURT: Representation of parties is hereby noted. And Respondent/Prosecution may now proceed. And so ordered.

Respondent, Republic of Liberia says for reason that the Motion to Admit to Compassionate Leave/Bill was filed and served on the Respondent - dated yesterday March 7, 2019, it would had not have file a written resistance for hearing of the Motion which is called for hearing or today. How be it, the Respondent says because of the urgency and secrecy of the content of the Motion, is hereby prays to have resistance spread on the Minutes of Court in manner and form showeth to wit:

1. Respondent/RL says that the Motion captioned Motion to Admit to Compassionate Leave/Bill is one considered to be pre-matured, in that Compassionate Leave relates to person or persons who have been convicted and while serving his prison term fall sick. In the instant case, the Defendant, Charles E. Sirleaf is yet to face trial and therefore cannot be entitle to Compassionate leave.
2. Respondent says, however, that reason is source of law and the averment as contained in the motion haven averred that the Movant, Charles E. Sirleaf and others have been charged, indicted and now in prison to answer for the Crimes of Economic Sabotage Criminal Conspiracy and Criminal Facilitation, Respondent deduced that the Movant is intending and/or requesting to be place on Bill or put into a place order than the Monrovia Central Prison where he is currently detained, so as to have access to his doctor and to his medication for the illness or illnesses that he suffered. Furthermore the law cited Section 13.1(3) of the Criminal Procedure Law also supports the belief of the Respondent of what the Movant is seeking for this Honorable Court.
3. Respondents says that bearing this in mind, and taking into consideration, the Medical Report annexed to Movant's Motion which Respondent gives notice to have its own doctor to review in due course so as to ascertain the medical interpretation thereof. Respondent says it would at this time restrain or refrain from challenging the authenticity and truthfulness of the medical report until at such time when it would have been advised medically otherwise.

4. Prosecution says being that trial ought to be carried on for accused person who is well and or at life, it would not at this stage interpose objection to the granting of the Movant a Compassionate Release from the Monrovia Central Prison for the purpose for having access to his doctor and his medication but with the following conditions to be observed by this Honorable Court in the granting of the Motion:
- a) That the Passport/Passports and/or all traveling document in the hand of the Movant be surrendered to this Honorable Court.
  - b) That upon the release of the Movant from the Monrovia Central Prison, he placed under house of arrest under the supervision of this Honorable Court;
  - c) That the Movant be allowed to be visited by only closed family members, his doctor and his lawyer and
  - d) That while under house of arrest, the Movant be made to be executed and report to this Honorable Court trice, Monthly and that his failure to observed these conditions, that this Honorable Court revoke the order of release to be issued out of this Honorable Court.

Respondent says this position made before this Honorable Court, is intended to have the Movant to be made well, stay alive and has his speedy trial in keeping with the constitution of the Republic of Liberia. And respectfully submits.

THE COURT: 5 MINUTES ARGUMENTS PRO AND CORN. AND SO ORDERED.

THE COURT: The herein named Defendant, Charles E. Sirleaf was charged with Economic Sabotage, Criminal Conspiracy and Criminal Facilitation along with others and by presentment of the Grand Jury of Montserado County, he was indicted on February 26, 2019 and arrested and incarcerated at the Monrovia Central Prison. Subsequently, Defendant Sirleaf filed Motion for Compassionate by and thru his Counsel alleging in said Motion that he had been diagnosed of Severe Osteoarthritis of the Right Shoulder, Right Lobar Pneumonia R/O Lung Cancer, Alcoholic Liver Disease, Gout, and Systemic Hypotension with hypercholesterolemia which makes his continued confinement at the Monrovia Central Prison to post risk or death to him or serious permanent injury to his health. Movant annexed to his three (3) counts motion, a medical report over the signature of Eli M. Kiswahili, Medical Doctor, bearing license #664 also annexed to Movant's Motion are other medical records showing that the Movant/Defendant has being deionized of the five decides conditions averred in the Motion. At the call of the Motion for hearing, Prosecution requested Court for permission to spread its response to Movant's Motion in view of the late receipt of said Motion on yesterday, March 7, 2019. The response of Respondent/Prosecution is a tactic concession except that prosecution contends that the Movant not being a convict, cannot be the beneficiary of the compassionate leave. Respondent/Prosecution contends that Movant have move under chapter 34 of the Criminal Procedure law instead chapter 13 as the Motion portrayed.

However, Prosecution/Respondent, while conceding in substance, the application of Defendant prays court to grant compassionate release to Movant under the condition that Movant be placed under house arrest and be restarted through close family members, doctor and lawyer and his close family member should be his parent, wife and children. Prosecution/Respondent also prays court order the State to keep security surveillance, 24 hour a day and seven days in a week until Movant shall have recovered to stand trial. Respondent/Prosecution also prays court that in granting compassionate release, Movant be ordered to report to the sheriff of this court twice a month during the tendency of the compassionate release.

MONT/MCC/CRC/923/2017/CCC/CRC/024/2017  
22<sup>TH</sup> DAY'S JURY SITTING  
FRIDAY, MARCH 8, 2019  
FEBRUARY TERM, A.D. 2019

CRIMINAL ASSIZES "C"  
SHEET 3

Argument haven been entertained and held on both sides this court says, the veracity and validity of Movant Exhibits, seem being the medical records attached to Movant's Motion not haven being challenged by Prosecution/Respondent, and this court having reason to believe that the medical condition of the Movant is worsen if not granted an opportunity to have access to his doctor and medication during the pendency of these proceedings, that the removal of Movant to some other place of conferment where his health may be better preserved, hold the view that Movant's Motion ought to be granted with modification that he is granted compassionate release as provided for under Revise Code II cannot compassionate release.

Wherefore and in view of the foregoing, Movant/Defendant, Charles E. Sirleaf is hereby granted compassionate release in view of his medical condition which had not been controverted by the State as follows to with:

That Movant/Defendant, Charles E. Sirleaf is ordered removed from the Monrovia Central Prison to his home or any other place of dwelling desirable to him within the City of Monrovia or its environs under the condition of house arrest in that his passport is ordered surrendered to the sheriff of this Court and he does not have the liberty to have the visitation of any other persons other than his lawyer(s), doctor(s), parents, his wife, if any, and his children during the pendency of this compassionate release. The State, during the pendency of this compassionate release, is ordered to maintain security surveillance of the Movant 24 hours a day and 7 days a week during the pendency of the compassionate release; while Movant is ordered to report to the sheriff of this court twice a month at an interval of 2 weeks. The clerk of this is hereby ordered to issue release in favor of Movant/Defendant on conditions stated above. And so ordered.

GIVEN UNDER MY HAND AND  
SEAL OF COURT THIS 8<sup>TH</sup> DAY OF  
MARCH . D. 2019



J. Boima Kontoe

ASSIGNED CIRCUIT JUDGE PRESIDING