

**COMMONWEALTH OF THE
NORTHERN MARIANA
ISLANDS**

vs.

**Joaquin S. BUEKIS and Alecio R.
Matagolai**

**Criminal Appeal No. 80-9007
District Court NMI
Appellate Division**

Decided January 21, 1981

**1. Criminal Law - Witness
Corroboration**

In absence of legislative enactment, court will not apply witness corroboration rule requiring that some independent fact or circumstance corroborate the testimony of an accomplice.

IN THE DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

FILED

Clerk
District Court

JAN 21 1981

For The Northern Mariana Islands
By  (Deputy Clerk)

APPELLATE DIVISION

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS,)
)
Plaintiff-Appellee,)
)
vs.)
)
JOAQUIN S. BUEKIS and)
ALECIO R. MATAGOLAI,)
)
Defendants-Appellants.)

CRIMINAL APPEAL NO. 80-9007

Before: Laureta and Duenas, District Judges and Hefner,
Designated Judge

PER CURIAM:

After trial before the court, defendants were found guilty of grand larceny and malicious mischief primarily on the basis of the testimony of an accomplice.

Appellants urge this court to reverse the conviction by adopting the so called accomplice corroboration rule. The rule, succinctly stated, is that some independent fact or circumstances must corroborate the testimony of the accomplice. Under the rule, one cannot be convicted solely on the accomplice's testimony.

In this case the trial judge, in making his oral findings, acknowledged that the prosecution case rested on the accomplice's testimony and correctly stated that: "The testimony of an accomplice even though apparently credible is of doubtful integrity and is to be considered with great caution."


In the Federal Courts, the accomplice corroboration rule has not been adopted. United States v Williams, 435 F 2d 642 (9th Cir. 1970), United States v Gudino, 432 F 2d 433 (9th Cir. 1970), Proffit v United States, 316 F 2d 705 (9th Cir. 1963), Audett v United States, 265 F 2d 837 (9th Cir. 1957), Tillery v United States, 411 F 2d 644 (5th Cir. 1969). If the trier of fact is convinced beyond a reasonable doubt that the defendant is guilty notwithstanding the evidence comes solely from the uncorroborated testimony of an accomplice, then the defendant will be convicted.


[] It is our opinion that should the Commonwealth wish to adopt the accomplice corroboration rule, the proper procedure is for the legislature to enact such a rule. We recognize that courts in certain jurisdictions have taken it upon themselves to "judicially legislate" the rule. However, we think that this is a matter that is best left in the hands of the legislature.

As to the argument of defendants that the trial court did not have sufficient evidence to convict the defendants,

we are satisfied that once the trial court believed the accomplice's testimony, there was no clear error in finding the defendants guilty. The convictions are affirmed.


ALFRED LAURETA, District Judge


CRISTOBAL C. DUENAS, District Judge


ROBERT A. HEFNER, Designated Judge

ENTERED: Jan. 21, 1981