

NGERTELWANG CLAN, by TMEWANG NGIRAKED,
et al., Appellants

v.

BAULES SECHELONG, Appellee

Civil Appeal No. 106

Appellate Division of the High Court

Palau District

February 11, 1976

Action heard and decided in District Court and appealed to Trial Division of High Court, from which appeal was taken to the Appellate Division of High Court. The Appellate Division of the High Court, per curiam, dismissed the appeal since case was not concerned with construction or validity of a law as required by statute.

Courts—Jurisdiction—High Court

Where statute gave Appellate Division of the High Court jurisdiction to review a decision of the Trial Division of the High Court in a case appealed to the Trial Division from a district court, involving construction or validity of a law or administrative regulation intended to have the force of law, and appellant appealed to Trial Division a case not involving such an issue, further appeal right to Appellate Division was cut off and appeal to Appellate Division would be dismissed. (5 TTC § 54(1)(b))

Before BURNETT, *Chief Justice*, HEFNER, *Associate Justice*, and WILLIAMS, *Associate Justice*

PER CURIAM

This matter was originally heard and decided in the Palau District Court. An appeal from the District Court decision was made to the Trial Division of the High Court pursuant to Rules of Criminal Procedure, Rule 31e (made applicable to civil cases by Rule 23, Rules of Civil Procedure) and 5 TTC Sec. 54.

After the decision by the Trial Division of the High Court, Plaintiffs-Appellants appealed the decision to the Appellate Division of the High Court.

Recently the Court was confronted with the question of whether 5 TTC Sec. 54 can cut off further appeal rights in a case decided by the High Court on appeal from a District Court and which does not involve the construction or validity of a law, regulation or enactment. 5 TTC Sec. 54(1)(b). In *Elias v. Trust Territory of the Pacific Islands*, 6 T.T.R. 587, it was held that unless the appeal concerned construction of a law or regulation, the Appellant had no further appeal rights.

It is clear from the Notice of Appeal in this case that the appeal is not one included in 5 TTC Sec. 54(1)(b).

The appellants have no standing to appeal to the Appellate Division of the High Court.

It is hereby ordered that this appeal be and the same is hereby dismissed and the decision of the Trial Division of the High Court shall remain final.

TRUST TERRITORY OF THE PACIFIC ISLANDS, Appellee

v.

JAMES I. MACARANAS, Appellant

Criminal Appeal No. 52

Appellate Division of the High Court

April 8, 1976

Prosecution for burglary. Appellate Division of the High Court, Brown, Associate Justice, affirmed judgment of conviction holding that testimony of witness that appellant moved into driver's seat and moved car to less conspicuous position after its driver and another companion alighted from car and broke lock and entered into snack bar and returned to car with food and drink which appellant and witness helped to consume, was sufficient to justify trial court's finding that appellant was a principal.

1. Appeal and Error—Findings and Conclusions—Supporting Evidence

Criminal conviction supported by testimony of witness who had not been discredited and whose testimony was not inherently improbable would be affirmed even though witness testified falsely in part.