

VIKTOR KELLER, Plaintiff

v.

TOMISIANO MARTIN, Defendant

Civil Action No. 232

(Formerly Ponape District Civil Action No. 328)

Trial Division of the High Court

Mariana Islands District

November 24, 1967

Hearing on application for writ of habeas corpus. The Trial Division of the High Court, E. P. Furber, Chief Justice, dismissed application as counsel for plaintiff had presented his notice of appeal and had secured stay of sentence pending appeal.

NGODRII v. KUMAICHI

Assessor: JUDGE IGNACIO V. BENAVENTE
Counsel for Plaintiff: ROGER L. ST. PIERRE, ESQ.
Counsel for Defendant: JOHN D. MCCOMISH, ESQ.

FURBER, *Chief Justice*

This Application for Writ of Habeas Corpus came on to be heard before me this day at Susupe, Saipan, Mariana Islands.

Counsel for the plaintiff stated that he had decided to appeal from the conviction in the Ponape District Court, under which the plaintiff was being held to serve sentence, and apply for stay of sentence pending appeal instead of pressing the Application for Writ of Habeas Corpus, and therefore requested that this action be continued to await the outcome of the appeal in the criminal case.

Counsel for the defendant objected to such continuance and requested that this action be either dismissed or heard on its merits promptly.

Counsel for plaintiff presented his notice of appeal in the criminal case and secured stay of sentence pending appeal. Further discussion was held with counsel, as a result of it was

Ordered that the above-entitled action be and it is hereby dismissed.
