

FILED

MAY 23 2018

CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

THE SUPREME COURT

REPUBLIC OF THE MARSHALL ISLANDS

REPUBLIC OF THE MARSHALL ISLANDS,)	Criminal Case 2017-001
Appellee/Plaintiff,)	Supreme Court Case 2018-003
)	
VS.)	ORDER GRANTING MOTION
)	FOR EXTENSION OF TIME TO
ALEE PHILLIP)	FILE APPELLEE'S BRIEF;
Appellant/Defendant.)	
)	
)	
)	

TO ALL PARTIES HEREIN THOROUGH THEIR RESPECTIVE COUNSEL OF RECORD:

On May 21, 2018, Appellee Republic of the Marshall Islands filed a motion for an extension of time until May 28, 2018, in which to file its Answering Brief.

In his affidavit counsel for Appellee concedes service of Appellant's brief on April 6, 2018. Supreme Court Rule 28(c) allows Appellee 40 days from service of Appellant's brief in which to file its Answering brief. 40 days from April 6, 2018, would have made Appellee's Answering brief due on or about May 16, 2018. Thus, Appellee has failed to comply with the Rules regarding timely filing of its brief.

Rule 26(b) allows a justice of the Supreme Court to enlarge the time prescribed by the rules for performing an act or may permit an act to be done after expiration of such time only upon a showing of "good cause."

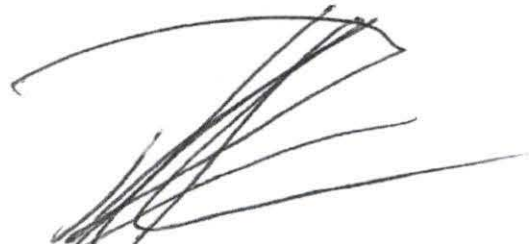
Appellee's counsel's affidavit characterizes the case as "of a very complex nature requiring for the first time the service of FBI agents to examine the crime scene, to have the evidence tested in FBI labs, and for FBI witnesses to testify in court." While the trial and investigation leading up to trial may have been very complex, it does not follow that the errors alleged by Appellant on appeal are particularly complex from either a factual or legal standpoint.

The undersigned finds "good cause" for granting the requested extension of time to file Appellee's Answering brief due to the severity of the offenses of which Appellant stands convicted, the liberty interests at stake (as well as the public's interest), the seriousness (although not necessarily complexity) of the errors alleged on appeal, and because a response from the Republic will aid the Court in justly deciding this case.

Appellee's motion for an extension of time in which to file its Answering brief is therefore GRANTED and IT IS ORDERED that Appellee shall file its Answering brief prior to close of business on May 28, 2018.

The Court had intended to give scheduling priority to this criminal appeal but given the extension granted by this order and Appellant's right to file its Reply brief within 14 days, it does not appear possible for this matter to be heard on June 20, 2018. This case shall be heard at the next session of the Supreme Court anticipated to occur in the Fall of 2018.

Dated May 22, 2018 (AST)

A handwritten signature in black ink, consisting of several overlapping, sweeping lines that form a stylized, somewhat abstract shape. The signature is positioned above the printed name of the signatory.

Daniel Cadra, Chief Justice

IN THE SUPREME COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

RMI)
_____)
Appellee/Plft.)
v)
_____)
Alee Phillip)
_____)
Appellant/Defendant)
_____)

Appeal Case No. 2018-03

CERTIFICATE OF SERVICE

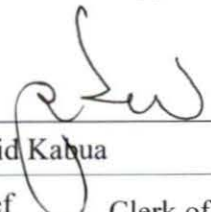
I, Ingrid Kabua, Chief Clerk of the Courts, hereby certify that on 5/24/18

I served the Order Granting Motion For Extension of Time to File Appelle's Brief


filed 05/23/2018 in the above captioned matter on:

- 1. Russell Kun by Email Fax Personal Hand Delivery
- 2. Falai Tafaaki by Email Fax Personal Hand Delivery
- 3. Cutty Wase by Email Fax Personal Hand Delivery
- 4. Meuton Laidren by Email Fax Personal Hand Delivery

Attached is a copy of my Sent Email / Fax Confirmation.


Ingrid Kabua
Chief Clerk of the Courts
Marshall Islands Judiciary

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REPUBLIC OF THE MARSHALL ISLANDS

