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JUN 18 2018

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REPUBLIC OF THE MARSHALL ISLANDS

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**IN THE SUPREME COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS**

ALEE PHILLIP)	S/C Criminal Case No. 2018- <u>003</u>
Plaintiff / Appellant Juvenile)	Juvenile Criminal Case No. 2017- <u>001</u>
)	
)	<u>RECORD ON APPEAL</u>
-v-)	PURSUANT TO RULE 10(b)
)	OF THE MARSHALL ISLANDS
)	RULES OF THE SUPREME COURT
REPUBLIC OF THE MARSHALL ISLANDS)	
Defendant / Appellee)	
)	

COMES NOW, the Appellant, a Delinquent Child, through his Counsel from the Office of the Public Defender, is late filing this **RECORD ON APPEAL** Brief, pursuant to **Rule 10(b)** of the Supreme Court Rules Proceedings, through the Clerk of the Supreme Court of the reason the Appellant did not comply with the provisions of **Rule 10(b)**, because parts or transcripts of the proceedings were **not** needed by the Appellant, and as explained in the attached Supporting Affidavit by Counsel.

So filed on this June 18, 2018.



Russell Kun
Counsel for Appellant

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REPUBLIC OF THE MARSHALL ISLANDS

IN THE SUPREME COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

ALEE PHILLIP)	S/C Criminal Case No. 2018- <u>003</u>
Plaintiff / Appellant Juvenile)	Juvenile Criminal Case No. 2017- <u>001</u>
)	
-v-)	<u>AFFIDAVIT IN SUPPORT</u>
)	
REPUBLIC OF THE MARSHALL)	
ISLANDS)	
Defendant / Appellee)	
_____)	

1. I am Russell Kun, from the Office of the Public Defender and am the Counsel representing the Appellant Juvenile in this Appeal, and the Appellant's failure to comply with the provisions of **Rule 10(b)** was **not** deliberate and is briefly explained in this Supporting Affidavit.
2. That, on February 21, 2018, the Appellant filed its **Motion to Appeal** in ***Forma Pauperis*** to the Supreme Court to review the Adjudication and Disposition Orders so imposed respectively by the High Court ("Trial Court") on January 22, 2018, and February 2, 2018.
3. That, on March 2, 2018, the Appellant timely filed its **Notice of Appeal** pursuant to **Rule 3(a) and 4(b)**.
4. Then, instead of complying with **Rule 10(b)** and filing its **Record on Appeal**, the Appellant's Counsel took the view that because parts or transcripts of the proceedings were **not** needed by the Appellant in his Appeal, the Appellant's

Counsel never even filed a certificate to the Clerk of the Supreme Court of that effect and just bypassed that provision and instead worked on its **Opening Brief**.

5. That, on April 6, 2018, the Appellant timely filed its **Opening Brief**, pursuant to **Rule 28(b)**.
6. And the Appellee was given 40 days to file its **Answer Brief**, pursuant to **Rule 28(c)**, but on May 21, 2018, the Appellee requested for enlargement of time and was granted by the Court to file its **Answer Brief** on May 28, 2018.
7. The Parties were also directed to appear for a Pre-hearing Conference on June 20, 2018, at 12pm, to discuss Appellant's non-compliance of **Rules 10 and 11** in this Appeal.
8. But on May 28, 2018, the Appellee still failed to file its **Answer Brief** and instead on June 1, 2018, the Appellee moved to reschedule the Pre-hearing Conference on June 20, 2018, to allow the Appellee's Prosecuting Attorneys to travel and attend a workshop from June 12 to June 15, 2018, of which was granted by the Court and also ordered that the Pre-hearing Conference on June 20, 2018, was now cancelled and taken off-calendar.
9. That, on June 11, 2018, the Appellant timely filed its **Reply Brief**, pursuant to **Rule 28(d)**, and reiterated the grounds of this Appeal was against the guilty verdict handed down by the Trial Court was because the verdict was unreasonable and cannot be supported having regard to the whole of the evidence actually offered and admitted before the Trial Court during the Trial.

10. That, the Counsel representing the Appellant Juvenile in this Appeal respectfully apologizes for the Appellant's failure to comply with the provisions of **Rule 10(b)** and was a mistake and not deliberate to bypass such an important provision in the Appeal procedure.
11. But the Appellant is with all humility requesting through this Brief to be given a chance for its Appeal to be heard before this Appellate Court and has some valid and worthwhile arguments to answer against the lack of clear evidence offered and admitted during the Trial and the guilty verdict and Orders handed down by the Trial Court.
12. The Appellant is seeking the indulgence and leniency from this Appellate Court to hear this Appeal over the Orders so entered by the Trial Court.
13. The above is true and correct.

So filed this June 18, 2018.



Russell Kun, Esq.

Counsel for Appellant Juvenile

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CERTIFICATE OF SERVICE

email
ASST. CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

RECORD ON APPEAL BRIEF

S/C Criminal Case No. 2018-003

I hereby certify that, upon filing at the High Court Registry, I have served via electronic mail, copies of the Appellant's **Record on Appeal Brief**, to the Appellee, by and through the Prosecutor, Dr. Falai Taafaki, Esq.

Served on this June 18, 2018.

Komol Tata,



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Office of the Public Defender