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FILED

JUN 29 2018

ASST. CLERK OF COURTS
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>
)	
)	<u>FILING AND SERVICE</u>
-v-)	PURSUANT TO RULE 25
)	OF THE MARSHALL ISLANDS
)	RULES OF THE SUPREME COURT
REPUBLIC OF THE MARSHALL ISLANDS)	
Defendant / Appellee)	
_____)	

COMES NOW, the Appellant, a Delinquent Child, by and through his Counsel from the Office of the Public Defender, is filing this Notice, pursuant to **Rule 25** of the Supreme Court Rules of Proceedings. And to notify the Clerk of the Supreme Court that the Appellee had failed to serve its **Answer Brief** to the Appellant, as required under **Rule 25(b) and (c)**, on May 28, 2018.

1. That, on March 2, 2018, the Appellant timely filed its **Appeal Notice**, and properly served on the Appellee.
2. That, on April 6, 2018, the Appellant timely filed its **Opening Brief**, pursuant to **Rule 28(b)**, and properly served on the Appellee.

3. 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. But on May 28, 2018, the Appellant assumed that the Appellee had failed to file its **Answer Brief**, simply because the Appellant was never served as required under **Rule 25(b) and (c)**, on May 28, 2018.
4. But instead, what was served on the Appellant was the Appellee's motion on June 1, 2018, 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.
5. The Appellant filed its **Reply Brief**, pursuant to **Rule 28(d)**, on June 11, 2018, and properly served on the Appellee, and still assumed that the Appellee had failed to file its **Answer Brief** on May 28, 2018, and also notified the Clerk of the Supreme Court.
6. And on June 25, 2018, the Appellant's Counsel sent the Assistant to file some documents at the High Court Registry and also check on the Office folder, and found the Appellee's **Answer Brief** so placed in the Appellant's Counsel Office folder and file stamped on May 28, 2018, and of which certified, "... a copy of the Appellee Answer Brief to be sent/ transmitted to Russell Kun, Esq., Counsel for the Appellant Juvenile". As shown in the attached Appellee's Certificate of Service.
7. But the fact of the matter is that, on May 28, 2018, the Appellee never served the Appellant's Counsel in person or by fax or by email or by mail or even to a responsible person at office of the Appellant's Counsel, as required under **Rule 25(b) and (c)**.
8. The Appellee's failure to properly serve its Answer Brief to the Appellant May 28, 2018, has placed the Appellant at a disadvantage to properly reply to the Appellee's Answers, that there are no evidence from any eye witnesses or finger prints or DNA ever offered before the Trial Court.

9. The Appellant respectfully seek an Order from this Appellate Court to be given the opportunity to properly file a **Reply Brief** to the Appellee's **Answer Brief** of which was not properly served to the Appellant's Counsel, as required under **Rule 25(b) and (c)**.

Proof of service of this Notice on all adverse Parties as prescribed by the **SCR** is attached.

So filed this June 29, 2018.

A handwritten signature in blue ink, appearing to read 'R. Kun', followed by the date '6/29/2018' written in a cursive style.

Russell Kun, Esq.

Counsel for Appellant Juvenile

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ASST. CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

CERTIFICATE OF SERVICE

I hereby certify that on this day 28th of May 2018, I caused a copy of the Appellee Answer Brief to be sent/transmitted to Russell Kun, Esq, Counsel for the Appellant Juvenile.

Dated this 28th day of May 2018.



Falai Tafaaki
Prosecuting Attorney.

Appellants Attachment ①

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CERTIFICATE OF SERVICE

JUN 29 2018

Rule 25 Notice

ASST. CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

S/C Criminal Case No. 2018-003

I hereby certify that, upon filing at the High Court Registry, I have served via electronic mail, a copy of the Appellant's Rule-25 Notice to the Appellee, by and through the Prosecutor, Dr. Falai Taafaki, Esq.

Served on this June 29, 2018.

Komol Tata,



Office of the Public Defender