

LOKONAN JAWO, Plaintiff-Appellee
v.
JOKAS BATIN, Defendant-Appellant
Civil Appeal No. 167
Appellate Division of the High Court
Marshall Islands District
October 5, 1978

Appeal by defendant below. The Appellate Division of the High Court, Burnett, Chief Justice, dismissed for delay by appellant prejudicial to appellee's interests.

Appeal and Error—Briefs—Opponent's Copy

Where appellant's brief was due to be filed on June 28, 1977, and a 10-day extension was granted, and the brief was filed on July 28, 1977, and a copy was not served upon appellee until July 25, 1978, the delay was obviously prejudicial to appellee's interests and provided ample grounds for dismissal.

Counsel for Plaintiff-Appellee:

RUBEN ZACKHRAS, Mi-
cronesian Legal Serv-
ices Corp.

Counsel for Defendant-Appellant:

ANIBAR TIMOTHY, *Public
Defender's Represent-
ative* and ANDY
MOORE, Co-counsel

Before BURNETT, *Chief Justice*, and NAKAMURA, *As-
sociate Justice*

BURNETT, *Chief Justice*

The record on appeal was certified on April 29, 1977, and appellant on the same date was notified. Under our Rules, his brief was due sixty days thereafter, on June 28, 1977. A ten-day extension of that time was granted. Appellant's brief was actually filed on July 28, 1977.

Appellee has moved to dismiss, and asserts that, in addition to late filing of appellant's brief, a copy was not served

on appellee until July 25, 1978. Such delay is obviously prejudicial to the interests of appellee, and provides ample grounds for dismissal.

Notwithstanding the clear grounds for dismissal, we have examined the entire record, including evidence taken on trial. Having done so, we find no error. The Judgment is **AFFIRMED.**