

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

FILED

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SUPREME COURT
OF THE
REPUBLIC OF PALAU

CARTER K. MAIDESIL JONES,
Petitioner,
v.
**HONORA E. REMENGESAU RUDIMCH, SENIOR JUDGE
OF THE COURT OF COMMON PLEAS, REPUBLIC OF
PALAU, JASPER ADELBAI JASON, and DILLON MILLER,**
Respondents.

Cite as: 2020 Palau 20
Special Proceeding No. 20-007
Criminal Case No. 20-089

Decided: October 7, 2020

Counsel for Petitioner Yukiwo P. Dengokl

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
JOHN K. RECHUCHER, Associate Justice
KEVIN BENNARDO, Associate Justice

Appeal from the Court of Common Pleas, Honora E. Remengesau Rudimch, Senior Judge, presiding.

ORDER DENYING WRIT OF PROHIBITION

PER CURIAM:

[¶ 1] Before the Court is Petitioner Carter K. Maidesil Jones’s Petition for a *Writ of Prohibition* pursuant to ROP R. Civ. P. 21, which was filed on September 25, 2020.

[¶ 2] Such a writ is an extraordinary remedy that shall issue only in “extraordinary circumstances.” *First Commercial Bank v. Wong*, 20 ROP 1, 2 (2012). A writ of prohibition is not appropriate “where there is another legally adequate remedy.” *ROP v. Asanuma & Malsol*, 3 ROP Intrm. 48, 51 (1991); see also *Lawson v. Woeste*, 603 S.W.3d 266, 276 (Ky. 2020) (“The

extraordinary remedy of a writ is not available when a trial court's alleged error in the exercise of its jurisdiction can be addressed in the normal appellate process[.]”)

[¶ 3] Rather, issuance of the writ is appropriate “only in cases of extreme necessity, and only when each of the following elements have been clearly established:

1. That the lower court is about to exercise judicial or quasi-judicial power;
2. That the exercise of such power is unauthorized by law; and
3. That the exercise of such power will result in injury for which there is no other adequate remedy.”

Asanuma & Malsol, 3 ROP Intrm. at 50-51 (citing 63 Am. Jur. 2d (Prohibition) § 6). Failure to meet any one of the criteria is fatal to the petition. *See Kruger v. Mokoll*, 5 ROP Intrm. 121, 122 (1995).

[¶ 4] Petitioner has failed to prove that the facts of this case constitute the “extraordinary circumstances” required for the Court to issue a writ. The Petitioner argues simply, “if the Court of Common Pleas lacks jurisdiction over Criminal Case No. 20-089, it has no power to proceed to adjudge Petitioner’s guilt or innocence.” While that is true, it is equally true that Petitioner can seek redress, if any is indeed owed, through the appellate process. The availability of an appeal for relief disentitles the Petitioner from relief via writ of prohibition.

[¶ 5] Accordingly, the Petition for the Writ of Prohibition is **DENIED**.

SO ORDERED this 7th day October, 2020.



OLDIAIS NGIRAIKELAU
Chief Justice



JOHN K. RECHUCHER
Associate Justice



KEVIN BENNARDO
Associate Justice