**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION**

NOBBY JAY TADORA ENANO,
Appellant,
v.
REPUBLIC OF PALAU,
Appellee.

Cite as: 2022 Palau 21
Criminal Appeal No. 22-004
Appeal from Criminal Action No. 22-010

Decided: September 21, 2022

Counsel for Appellant .... Watekini S.A. Mucunabitu
Counsel for Appellee .... Rebecca Sullivan

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
JOHN K. RECHUCHER, Associate Justice
ALEXANDRO C. CASTRO, Associate Justice

Appeal from the Trial Division, the Honorable Lourdes F. Materne, presiding.

OPINION

NGIRAIKELAU, Chief Justice:

[¶ 1] Following a bench trial, the trial judge found Nobby Jay Tadora Enano guilty of murder in the second degree. Enano appeals his conviction, arguing that the trial judge failed to weigh the probative value of two pieces of physical evidence, a pelican case and a piece of lumber, in reaching her guilty verdict. Such failure, asserts Enano, constitutes error that requires either setting aside the murder conviction or remanding the case for a new trial. For the reasons set forth below, we **AFFIRM** Enano's conviction.

BACKGROUND

[¶ 2] In the early morning of January 28, 2022, Wasisang Terence, Hopkins Ngirailild, and Enano decided to go beat up Eiseley O. Richard after Terence told Ngirailild and Enano about a fight he had earlier with Richard. Tr. 82, lines 5 – 10.[1] Ngirailild grabbed a piece of lumber and the trio proceeded to look for Richard, where they found him sleeping in the parking lot near the Taj restaurant. Tr. 82, lines 6 – 12. Ngirailild threw a rock at Richard but missed. Richard then started to pull Ngirailild's shirt and he and Ngirailild got into a fight. Abdul Hawlader, a witness who witnessed the fight, saw three people hitting Richard at the same time and identified Enano as one of them. Tr. 26, lines 6 – 9; Tr. 24, lines 7 – 10. In the midst of the fight, Enano struck Richard with a Pelican case knocking him down. Tr. 85, lines 15 - 19

[¶ 3] Responding to a report of a fight in front of the Taj Restaurant, Police Officer Shannon Sakai and her partner, JT Timarong, arrived at the scene and found Richard lying on the concrete parking lot unconscious and bleeding. Richard was transported to the national hospital. There Dr. Rueben Palacio examined Richard and detected multiple head injuries. Palacio attempted to revive Richard without success. Palacio opined that the cause of death was a traumatic head injury and that such injury could result from being struck in the head with sufficient force with a Pelican case.

[¶ 4] On January 30, 2022, the Republic filed an information in which it charged Enano and Ngirailild with murder in the second degree, manslaughter, and assault in the first degree. Ngirailild pled guilty to manslaughter. Enano proceeded to trial.

[¶ 5] At trial the Republic introduced into evidence, without objection, the Pelican case and the piece of lumber. Ngirailild testified that Enano slapped/hit the victim's head with the Pelican case knocking him down. Testifying as to the cause of death, Dr Palacio explained that with sufficient force either the stick or the Pelican case could cause death if used to strike a person's head. Tr. 55, lines 6 -12; 57, lines 3 – 12.

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[1] Tr. stands for the trial transcript.

[¶ 6] At the conclusion of the trial, the judge found Enano guilty of all charges but merged the manslaughter and assault in the first degree charges as lesser included offenses of second degree murder. Enano was sentenced to 25 years imprisonment with a credit of 100 days for time already served. This timely appealed followed.

STANDARD OF REVIEW

[¶ 7] We have held that a party asserting legal error on appeal must cite relevant legal authority in support of his or her argument. *Aimeliik State Pub. Lands. Auth. v. Rengchol*, 17 ROP 276, 282 (2010). Otherwise, we will not consider the argument. *Gibbons v. Seventh Koror State Legislature*, 13 ROP 156, 164 (2006) (holding that unsupported legal arguments need not be considered by the Court on appeal).

DISCUSSION

[¶ 8] Enano argues that the trial judge failed to weigh the probative value of the two pieces of physical evidence, the pelican case and the piece of lumber, in reaching her guilty verdict. Such failure, contends Enano, requires either a vacation of Jay's conviction or a remand for a new trial. As we have repeatedly stated, a party asserting legal error on appeal must cite relevant legal authority in support of his or her argument. *See Aimeliik State Pub. Lands. Auth. v. Rengchol*, 17 ROP at 282. Otherwise, we will not consider the argument. *See also Gibbons*, 13 ROP at 164. Here, Enano does not cite to a single relevant authority in support of his arguments, nor does he explain in his brief what error the trial court committed in reaching the guilty verdict. Given these deficiencies, we do not consider the arguments.

[¶ 9] Even if we were to consider Enano's arguments, we would nonetheless reject them. At the trial below, Enano argued that the lumber, and not the Pelican case, was the main weapon that caused the victim's death. Enano also contended that at no time did he hold or use the piece of lumber. These arguments were considered and rejected by the trier of fact. In this appeal, Enano simply repeats these arguments. Because this Court is not tasked with judging credibility, resolving conflicts in testimony, assessing the weight and value to be given to the evidence, and determining the factual content of ambiguous testimony, we refuse to consider Enano's rehashed arguments. *See*

Labarda v. ROP, 11 ROP 43, 46 (2004) (citing *Healey v. Chelsea Res., Ltd.*, 947 F.2d 611, 618 (2d Cir. 1991)).

CONCLUSION

[¶ 10] For all the foregoing reasons, We **AFFIRM** Enano's conviction for murder in the second degree.

SO ORDERED, this 21st day of September, 2022.

OLDIAIS NGIRAIKELAU
Chief Justice

JOHN K. RECHUCHER
Associate Justice

ALEXANDRO C. CASTRO
Associate Justice