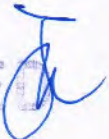


IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

FILED 

2022 NOV -9 P 4: 22

SORCH MEYAR,
Appellant,
v.
REPUBLIC OF PALAU,
Appellee.

SUPREME COURT
OF THE
REPUBLIC OF PALAU

Cite as: 2022 Palau 24
Criminal Appeal No. 22-006
Appeal from Criminal Case No. 16-032

Decided: November 9, 2022

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

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, Associate Justice,
presiding.

OPINION¹

NGIRAIKELAU, Chief Justice:

[¶ 1] This appeal arises from the conviction of Sorch Meyar (“Appellant”), her subsequent violation of the conditions of her probation, and her appeal of the probation revocation hearing sentencing her to seven years imprisonment.

[¶ 2] Because Appellant’s briefs fail to comply with the Rules of Appellate Procedure, we **DISMISS**.

¹ No party having requested oral argument, the appeal is submitted on the briefs. *See* ROP R. App. P. 34(a).

BACKGROUND

[¶ 3] Appellant was convicted on August 2, 2017 to one count of Possession of a Controlled Substance. Appellant was sentenced to seven years active probation. On May 3, 2022, a status report was filed by the Probation Office. The report stated that Appellant had failed to comply with two conditions of her probation, which required her to pay a fine and report on a monthly basis. On June 17, 2022, the Trial Division held a probation revocation hearing, during which Appellant admitted to violating her probation. The Court revoked Appellant's probation and imposed a sentence of seven years. Appellant filed her notice of appeal and designation of records in this matter on June 24, 2022, and her opening brief on July 20, 2022.

[¶ 4] Appellant seeks reconsideration of the probation revocation, arguing that her counsel did not receive an opportunity to mitigate on her behalf, and that the trial court failed to weigh if the non-compliance with her probation condition was substantial.

DISCUSSION

[¶ 5] Rule of Appellate Procedure 28 provides that the body of all opening briefs shall contain a legal argument. ROP R. App. P. 22. This Court will not consider appeals that fail to adequately develop legal arguments. *See Chokai v. Sengebard*, 2021 Palau 35 ¶ 7; *see also Dakubong v. Aimeliik State Gov't*, 2021 Palau 19 ¶ 11 (“The Republic of Palau Rules of Appellate Procedure and the Court’s case law impose both formal and substantive requirements for adequate appellate briefing.”) (quoting *Suzuky v. Gulibert*, 20 ROP 19, 21 (2012)). As we explained in *Dakubong*, “[a] legal argument is a connected series of statements intended to establish a definite legal proposition. It involves more than mere citations to a case without explaining why or how that case is relevant to the facts of the case at hand.” *Id.* In order for us to consider an issue, a litigant raising it must do “more than just identify[] what the litigant believes to be a governing legal principle and list[] various facts in the records. Rather, an adequate argument is one where a litigant applies the governing law to the facts of his case.” *Id.*

[¶ 6] In this case, Appellant fails to properly develop any legal argument. First, Appellant maintains that her counsel was not given an opportunity to

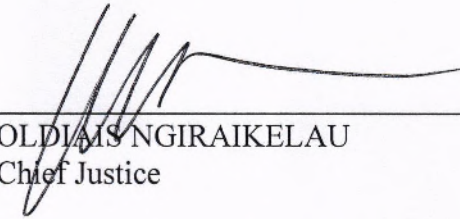
mitigate on her behalf. Appellant only states that the trial court must hear mitigating arguments per 17 PNC S. 636. The Code states that Appellant has the right to be represented by counsel during a revocation hearing, but it does not prescribe a duty for the trial court to hear mitigating arguments. Furthermore, Appellant does not present any facts showing that the trial court refused to hear said arguments. The record shows that Appellant was properly represented by counsel during the revocation hearing, as required by 17 PNC S. 636. Second, Appellant argues that the trial court failed to weigh whether the probation condition at issue were substantial conditions of Appellant's probation. However, Appellant does not introduce any fact showing that the trial court did not make this determination. Appellant only disagrees with the result reached, but fails to explain why this determination is erroneous.

[¶ 7] We have “repeatedly refused to consider claims brought before [us] that are not well developed and supported by facts on the record or law.” *Aderkeroi v. Francisco*, 2019 Palau 29 ¶ 12. That is because “[i]t is not the Court’s duty to interpret this sort of broad, sweeping argument, to conduct legal research for the parties, or to scour the record for any facts to which the argument might apply.” *Idid Clan v. Demei*, 17 ROP 221, 229 n.4 (2010). We see no reason to deviate from this long-standing policy here. By failing to adequately develop her legal argument, Appellant has forfeited her right to have this Court review the appeal on the merits.

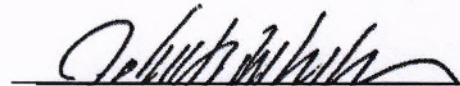
CONCLUSION

[¶ 8] Because Appellant, as a result of inadequate briefing, has forfeited her arguments on appeal, the appeal is **DISMISSED**.

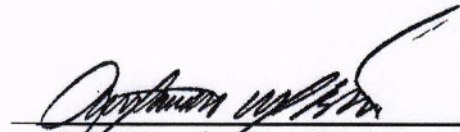
SO ORDERED, this 9th day of November, 2022.



OLDIAS NGIRAIKELAU
Chief Justice



JOHN K. RECHUCHER
Associate Justice



ALEXANDRO C. CASTRO
Associate Justice