

2. The Clerk is directed to prepare and certify the record to the Appellate Division of the High Court and to notify counsel of such certification at such time as plaintiff's counsel has paid the appeal fee in accordance with Section 263, Trust Territory Code.

3. Upon receipt by the Clerk of Courts of payment of the appeal fee, the Clerk is directed to return to plaintiff's counsel his two checks, one made payable to the "Trust Territory Government", and the other to "District Finance Officer-Yap."

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TRUST TERRITORY OF THE PACIFIC ISLANDS

v.

FRANCISCO CHUWELMAI, aka FRANCISCO ICHILMAY

Criminal Case No. 122

Trial Division of the High Court

Yap District

October 7, 1969

Motion for commitment under Section 330, Trust Territory Code. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held a hearing, the Trust Territory and defendant being represented and prescribed witnesses were called, and determined defendant to be an insane person within the meaning and in accordance with the provisions of Section 330 of the Code.

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TURNER, *Associate Justice*

After the Amended Information charging the above-named defendant with the crime of assault and battery with a dangerous weapon had been filed by the District Attorney, a motion for an order of commitment pursuant to Section 330, Trust Territory Code, was filed by the Public Defender.

The defendant, designated as Francisco Tafiemei in an Information filed in Truk District Criminal Case No. 3728,

was ordered transferred to Yap and remanded to the care and custody of the Commissioner for Public Health for observation and treatment under Section 331, Trust Territory Code.

The motion for commitment under Section 330, Trust Territory Code, having come on for hearing, the defendant being present and represented by the Public Defender, the Trust Territory being represented by the District Attorney, the following witnesses, as prescribed by statute were called:-

William M. Henderson, M.D., a doctor of medicine licensed to practice in the Trust Territory

Bemo, a resident of Woleai Atoll, next of kin under the custom.

Testimony having been taken in open court and the court being fully advised in the premises, it is,

Ordered:-

1. That Francisco Chuwelmani be and he hereby is determined to be an insane person within the meaning and in accordance with the provisions of Section 330, Trust Territory Code.

2. That Francisco Chuwelmani be and he hereby is committed to the custody of the Dr. Torres Memorial Hospital, Saipan, Mariana Islands District, for such treatment and custody for such time as may be deemed proper.

3. That the accused be transferred forthwith from the custody of the Yap District Hospital to the Dr. Torres Memorial Hospital and that he shall be accompanied by such persons as may be assigned to him during the transfer.

4. That by reason of the foregoing determination, the Amended Information charging Francisco Chuwelmani with the crime of assault and battery with a dangerous weapon be and the same hereby is dismissed.