

the course of trial, and he is entitled to this not some two weeks after the completion of the trial but throughout the trial itself, and, most assuredly, at the moment the trial judge announces his decision as to guilt or innocence. This substantial right was denied to the defendant.

In view of the foregoing, it seems more than clear that reversible error occurred in the trial court, and this fatal error served to deprive the defendant of his substantial rights; and further, from the entire record sent up on appeal, it seems inescapable that the defendant was denied a fair trial. Accordingly, I would reverse.

SITANIS FENEL, Appellant

v.

PINENGIN, Appellee

Civil Appeal No. 79

Appellate Division of the High Court

Truk District

October 3, 1974

Appeal not perfected by appellant. The Appellate Division of the High Court, Burnett, Chief Justice, dismissed the appeal.

Appeal and Error—Notice and Filing of Appeal

Unperfected appeal would be dismissed.

BURNETT, Chief Justice

It appears from the record herein that judgment was entered on June 11, 1971, and notice of appeal filed on July 9, 1971. It further appears that appellant was first notified on August 2, 1971, of the estimated cost of transcript of evidence, and that on subsequent occasions he and counsel were advised of the manner in which one who is unable to pay such costs might proceed to obtain such tran-

script. Nothing has been done by appellant to perfect his appeal pursuant to Appellate Rules, and there is consequently nothing before the Court for review.

It is, therefore, ordered, that the above entitled appeal be, and it hereby is, dismissed.

MULLER, Appellant

v.

MAKRORO and JABLUR, Appellees

Civil Appeal No. 82

Appellate Division of the High Court

Marshall Islands District

October 4, 1974

Unperfected appeal. The Appellate Division of the High Court, Burnett, Chief Justice, dismissed the appeal.

Appeal and Error—Notice and Filing of Appeal

Where notice of appeal did not, as required by rule, make a concise statement of the judgment or part thereof appealed from and a concise statement of the grounds on which the appeal was made, and no attempt to obtain a transcript was made, the appeal would be dismissed. (Rules Civil Proc. 21)

BURNETT, *Chief Justice*

Notice of appeal was filed, on December 7, 1972, from judgment entered on December 10, 1971. The notice itself is defective, in that it does not comply with Rule 21, Rules of Civil Procedure, which requires such notice to include "a concise statement of the judgment or part thereof appealed from . . . and a concise statement of the grounds on which he appeals.". Appellant was notified, through counsel, on January 27, 1972, and subsequently in person by the Clerk of Courts, of the estimated cost of the trial transcript, and that the record could not be certified to this court without