

a transcript. Nothing further has been done, nor any action taken by appellant to perfect his appeal; consequently, there is nothing before this Court for review.

It is, therefore, ordered, pursuant to Appellate procedural Rule 32(d), that this appeal be, and it hereby is, dismissed.

KOMA KOROK and KURUMA KOROK, Appellants

v.

KIMAT LOTA, Appellee

Civil Appeal No. 96

Appellate Division of the High Court

Marshall Islands District

October 11, 1974

Appeal. The Trial Division of the High Court, Burnett, Chief Justice, remanded for a new trial.

Appeal and Error—New Trial

Where the court reporter at trial, the transcript and the trial judge were not available on appeal, court would remand for a new trial.

BURNETT, *Chief Justice*

The appellants have filed a timely notice of appeal. However, the court reporter at the trial is no longer available and efforts to order and obtain a transcript have proven fruitless. In addition, the trial judge is no longer available.

Pursuant to the authority granted in the Rules on Appeal, Rules of Criminal Procedure, Rule 32(1), and to accomplish justice, this matter is remanded to the High Court, Marshalls District, for a new trial to be heard at the first convenient date for that Court.