

LENGE v. TRUST TERRITORY

Although the court expresses no opinion as to whether the accused was or was not driving properly, it finds that the appellant did not violate the provisions of Section 815(h) of the Trust Territory Code.

JUDGMENT

The judgment of the District Court for the Palau District is therefore reversed in Criminal Case No. 216, and it is ordered that the \$3.00 fine be refunded to the appellant.

LENGE, Appellant

v.

TRUST TERRITORY OF THE PACIFIC ISLANDS, Appellee

Criminal Case No. 64

Trial Division of the High Court

Palau District

July 30, 1954

Defendant was convicted in Palau District Court of negligent driving in violation of T.T.C., Sec. 815(b), and on appeal contends that he did not know that vehicle he was driving had defect in steering mechanism and that incident was accident. The Trial Division of the High Court, Associate Justice James R. Nichols, held that there was no violation of Section 815(b), as there was no evidence of negligence.

Reversed.

Negligent Driving—Generally

Where appellant in criminal case had no previous knowledge as to defect in jeep, and there was no evidence of negligence on his part, incident out of which charge arose was accident and not violation of Trust Territory law regarding negligent driving. (T.T.C., Sec. 815 (b))

Assessor: JOSEPH TELLEI
Interpreter: FRANCISCO K. MOREI
Reporter: ZELLA L. MOORE
Counsel for Appellant: ROMAN T METUCHL
Counsel for Appellee: SGT. ULENGCHONG

NICHOLS, *Associate Justice*

The appellant advanced as his ground for appeal that the incident out of which the charge arose, was an accident. He argued that, while driving a Government jeep upon a public highway, the trivet joint broke without his knowledge, and the jeep went out of control and struck the bank of the road.

In support of his contention the appellant cited Sections 802 and 829 on Automobiles, in American Jurisprudence, and Section 26(c) on Accident, in Miller on Criminal Law.

It was stipulated between the parties that the trivet joint is part of the steering mechanism of a jeep, and has no relationship to the braking function.

The appellee admitted that the appellant probably had no knowledge of the defect in the steering mechanism until the incident out of which the charge arose occurred.

CONCLUSIONS OF LAW

Since the appellant had no previous knowledge about the defect in the jeep, and there was no evidence of negligence on his part, the incident out of which the charge arose was an accident and not a violation of Section 815(b) of the Trust Territory Code.

JUDGMENT

The judgment of the District Court for the Palau District in Criminal Case No. 217 is therefore reversed, and it is ordered that the \$1.50 fine be refunded to the appellant.