

**IN THE MATTER OF PETITION FOR DISTRIBUTION OF THE
ESTATE OF MARIA CAMACHO WISLY, Deceased**

by

FRANCISCA W. TORRES, Daughter and Petitioner

Civil Appeal No. 43

Appellate Division of the High Court

January 5, 1970

Appeal from judgment of Trial Division. The Appellate Division of the High Court, R. K. Shoecraft, Chief Justice and H. W. Burnett, Associate Justice, held that appellate court is to make every reasonable presumption in favor of the correctness of the decision of the lower court and where error alleged is not shown appellate court will not upset lower court's holding.

1. Appeal and Error—Generally

It is necessary, in assignments of error, to show specifically wherein the action complained of is erroneous, and how it prejudiced the rights of the appellant.

2. Appeal and Error—Scope of Review—Facts

The appellate court is expected to make every reasonable presumption in favor of correctness of the decision of the lower court, the burden being upon appellant to affirmatively show error.

Before SHOECRAFT, *Chief Justice*, BURNETT, *Associate Justice*

SHOECRAFT, *Chief Justice*

This appeal from the judgment of the Trial Division of the High Court was considered on the assignments of error specified in Appellant's Notice of Appeal and the transcript of evidence, no written arguments having been submitted, and the Court having given notice to the parties herein that the Court would proceed to decide the appeal in this matter without argument and without further notice, in accordance with Rule 32(i) of the Rules of Criminal Procedure (also applicable in civil actions).

[1, 2] It is necessary, in assignments of error, to show specifically wherein the action complained of is erroneous, and how it prejudiced the rights of the appellant. The appellate court is expected to make every reasonable presumption in favor of correctness of the decision of the lower court, the burden being on appellant to affirmatively show error. *Amis v. Trust Territory of the Pacific Islands*, 2 T.T.R. 364.

Although it is not the duty of the appellate court to search the record for errors, we have done so in this case and find nothing which could justify us in disturbing the judgment below.

The judgment of the Trial Division of the High Court in Mariana Islands District Civil Action No. 199 is affirmed.

JUSTINO ODERIONG, Appellant

v.

TRUST TERRITORY OF THE PACIFIC ISLANDS, Appellee

Criminal Appeal No. 32

Appellate Division of the High Court

Palau District

January 9, 1970

SHOECRAFT, *Chief Justice*

Upon the motion of counsel for the appellant, the above captioned appeal is hereby dismissed.