

on appellee until July 25, 1978. Such delay is obviously prejudicial to the interests of appellee, and provides ample grounds for dismissal.

Notwithstanding the clear grounds for dismissal, we have examined the entire record, including evidence taken on trial. Having done so, we find no error. The Judgment is AFFIRMED.

VICTORIA I. KAPILEO, et al., Plaintiffs-Appellants

v.

BENUSTO R. KAIPAT, et al., Defendants-Appellees

Civil Appeal No. 195

Appellate Division of the High Court

Mariana Islands District

November 9, 1978

Plaintiffs appealed judgment against them. The Appellate Division of the High Court, Hefner, Associate Justice, affirmed for lack of showing of error.

Appeal and Error—Affirmance—Grounds

Trial court judgment would be affirmed where record revealed no basis for declaring its findings erroneous.

Counsel for Appellants: Public Defender's Office, Saipan,
Mariana Islands

Counsel for Appellees: MICHAEL A. WHITE, ESQ.

Before HEFNER, *Associate Justice*, NAKAMURA, *Associate Justice*, and GIANOTTI, *Associate Justice*

HEFNER, *Associate Justice*

The sole issue in this case is whether a person by the name of Candilaria was adopted and therefore became the only heir of Joaquin Rogopes. The importance of the resolution of this issue is because Micronesian Claims Commis-

TRUST TERRITORY v. GILMAR

sion Decision 5509 awarded certain monies to the heirs of Joaquin Rogopes.

The appellants assert that Candilaria, their mother, was adopted by one Domitila and therefore they became the sole heirs of Joaquin Rogopes since Domitila was the adopted sister of Rogopes.

The Trial Court found no such adoption. The appellants claimed error in that the Trial Court rendered its decision contrary to the weight of the evidence.

A review of the record in this matter does not reveal any basis upon which to declare that the findings of the Trial Court are clearly erroneous, 6 TTC 355(2).

The Judgment of the Trial Court is AFFIRMED.

TRUST TERRITORY OF THE PACIFIC ISLANDS, Plaintiff-
Appellee

v.

JESUS GILMAR, Defendant-Appellant

Criminal Appeal No. 66

Appellate Division of the High Court

Yap District

November 24, 1978

Appeal from conviction. The Appellate Division of the High Court, per curiam, held that where all records of the case in the trial and appellate divisions had been lost the conviction must be set aside.

Appeal and Error—Record on Review—Lost Records and Files

Where the very limited record on appeal from conviction indicated notice of appeal was filed and all records in trial and appellate divisions had been lost, the appeal must be allowed and the conviction would be set aside.

Counsel for Appellant:
Counsel for Appellee:

Public Defender's Office
District Attorney's Office