

**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION**

<p>ELLENDER NGIRAMEKETII, <i>Petitioner,</i></p> <p style="text-align:center">v.</p> <p>KATHLEEN M. SALII, PRESIDING JUDGE OF THE SUPREME COURT, TRIAL DIVISION, FOR THE REPUBLIC OF PALAU, <i>Respondent.</i></p>
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Cite as: 2021 Palau 21
Special Proceeding No. 21-012
Criminal Case Nos. 19-097 and 19-118

Decided: July 19, 2021

Counsel for Petitioner Brien Sers Nicholas

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
JOHN K. RECHUCHER, Associate Justice
GREGORY DOLIN, Associate Justice

ORDER DENYING WRIT OF MANDAMUS

PER CURIAM:

[¶ 1] Before the Court is Petitioner Ellender Ngirameketii’s Petition for a *Writ of Mandamus* pursuant to ROP R. App. P. 21, which was filed on July 15, 2021. The petition seeks an order directing the Trial Division to rule on Petitioner’s Motion to Dismiss the charges against him on the grounds that his speedy trial rights have been violated. Because the Trial Division ruled on the pending motion on July 16, 2021,¹ the application for the *writ of mandamus* is moot and is accordingly **DENIED**.²

¹ Petitioner informed this Court of the Trial Division Order by way of a Supplemental Filing, dated July 16, 2021. As this filing fails to request any additional grounds for relief, best practice would have been for Petitioner to withdraw the Petition by his own motion as moot.

² In his filings, Petitioner has indicated that he will seek an immediate appeal should his Motion to Dismiss be denied. While we are not prepared to definitively decide this issue, we note that

at least in the United States federal courts (to which we often look for guidance) an appeal does not lie from a denial of a motion to dismiss criminal charges on speedy trial grounds. *See United States v. MacDonald*, 435 U.S. 850 (1978).