

Republic of Palau v. Decherong, 1 ROP Intrm. 438 (1988)
REPUBLIC OF PALAU,
Plaintiff/Appellee,

v.

BENITA DECHERONG,
Defendant/Appellant.

CRIMINAL APPEAL NO. 8-87
Criminal Case No. 130-86

Supreme Court, Appellate Division
Republic of Palau

Orders re defendant's appeal of the trial court denial of motion for stay and release on bail pending appeal

Decided: January 27, 1988

Counsel for Appellant: Johnson Toribiong

Counsel for Appellee: Ernestine K. Rengiil, AAG

BEFORE: MAMORU NAKAMURA, Chief Justice; LOREN A. SUTTON, Associate Justice;
ARTHUR NGIRAKLSONG, Associate Justice.

1439 PER CURIAM:

The Defendant was convicted by plea on September 28, 1987, of four (4) Counts of Embezzlement (17 PNC § 1904) and sentenced on December 14, 1987, to one (1) year in the Koror Jail on each Count consecutively with execution suspended on three of the four terms.

Defendant filed Notice of Appeal and Motion for Stay of Execution of Sentence and Release Pending Appeal on December 28, 1987. The latter Motion was denied by the trial Judge by Order entered December 29, 1987.

Defendant now appeals such Order and requests stay and release pending appeal

This Court, FINDING that the Notice of Appeal raises substantial questions of law, now grants Defendant's request for Stay and Release on bail pending appeal.

Pursuant to the Constitution, Republic of Palau, Art. IV § 7, 18 PNC § 602 and upon exercise of the discretion thereby allowed and observing the guidelines provided in ROP R. Crim. Pro. 38 and 46 and in ROP R. App. Pro. 8, with particular emphasis given to ROP R. Crim. Pro. 46(a)(1) through (6), bail is set at \$3,000.00 cash and bond at \$10,000.00.

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The Defendant may be released upon the posting of either.

Conditions of release on bail or bond are as follows:

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1. Obey all laws.
2. Not engage in any employment or activity involving the handling or responsibility for any other person's money.
3. Have no checking account at any bank or other financial institution.
4. Submit to the Supervision of the Probation Officer, obey all of his reasonable and proper commands, keep him informed of place of residence and do not change same without his knowledge and permission, report regularly to the Probation Officer at such time and place as are designated.
5. Release to the custody of the Clerk of Courts passport, Trust Territory I.D. Card, and any other travel documents under your possession or control and in your name or any other that you may use.
6. Not leave the Republic of Palau without permission of the Court.

The Probation Officer is ORDERED to monitor Defendant regularly for compliance with these conditions and to promptly report any deviation therefrom to the Court.