

*ROP v. Wenty*, 3 ROP Intrm. 134 (1992)  
**REPUBLIC OF PALAU,**  
**Appellee,**

v.

**BURTON WENTY,**  
**Appellant.**

CRIMINAL APPEAL NO. 4-91  
Criminal Case No. 307-90

Supreme Court, Appellate Division  
Republic of Palau

Appellate decision  
Decided: February 25, 1992

Counsel for Appellee: Richard Brungard, AAG

Counsel for Appellant: Kevin N. Kirk

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

PER CURIAM:

Appellant has filed an appeal of his conviction for possession of a firearm and possession of ammunition, for which he was sentenced to five years imprisonment.

Appellant relies heavily on language in the Trial Court's Ruling on Motion to Suppress, dated January 15, 1991, for his claim that neither the facts nor the law support the Trial Court's conclusion that Appellant's motion to suppress should be denied. Appellant requested and paid for a transcript of the Trial Judge's comments at the sentencing hearing held on February 13, 1991. A transcript of that portion of the trial which dealt with the motion to suppress was not requested.

On November 22, 1991, Appellee filed the Motion for Addition **1135** to Record on Appeal which is now before this Court. Appellee argues that the record on appeal is incomplete without a transcript of the testimony of three witnesses who testified at the trial on the motion to suppress.

Pursuant to ROP App. Pro. 10(e), Appellee attempted to reach an agreement with Appellant about augmenting the record, but was unsuccessful. Appellant was unwilling and financially unable to pay for the additional transcript which he did not believe was necessary for his appeal.

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Having reviewed the facts presented by both parties, it is evident that the additional transcript requested by Appellee will assist in clarifying the basis for the Trial Court's conclusions. The appellate panel will need more than just the Trial Judge's comments at sentencing to evaluate whether the Trial Court properly applied the law to the facts of the case.

Appellee's motion for addition to record on appeal is hereby GRANTED. The Clerk of Courts is hereby ORDERED to prepare transcripts of the testimony of Officer Charles Masters, Officer Ellender Ngirameketii, and Benitez Ringang, given at Appellant's trial on January 14 and 15, 1991, to be paid for by the Judiciary. Each party, or his/its counsel, shall be notified by the Clerk as soon as the transcripts have been completed.