

Lin v. Chief Justice, 5 ROP Intrm. 258 (1996)
RAYMOND C. LIN,
Petitioner,

v.

CHIEF JUSTICE ARTHUR NGIRAKLSONG,
PALAU SUPREME COURT,
Respondent.

SPECIAL PROCEEDING NO. 2-96

Supreme Court, Appellate Division
Republic of Palau

Order

Decided: August 16, 1996

BEATTIE, Justice:

Petitioner has filed a Petition for Writ of Prohibition, seeking to restrain the trial judge from proceeding on petitioner's criminal trial, which is scheduled to begin on August 19, 1996. Petitioner contends that we should grant the writ because (1) the trial would violate his right to not be placed in double jeopardy for the same offense; and (2) the trial judge erroneously failed to recuse himself on petitioner's motion.

It is customary to consult with other members of the Appellate Division on these matters, where possible. Because all other members are off island, however, and time is an important factor, the undersigned Justice will rule on the petition. *See Hughes v. Thompson*, 94 S.Ct. 829 (1974) (J. Douglas singly denying petition for writ of prohibition).

Petitioner here does not challenge the facial validity of the statutes under which he is being prosecuted. Nor does his double **1259** jeopardy claim allege that he has already been put in jeopardy on any of the charged offenses, but rather relates to whether he can be constitutionally convicted and punished for violations of both the Bribery offense and the Foreign Investment Act offense. The request for recusal was due to the potential that a cousin of the trial judge may be called as a witness for the prosecution.

Neither of these claims supports the granting of the extraordinary remedy of prohibiting the trial judge from proceeding. The trial court is clearly acting within its jurisdiction, and there is no apparent reason why, if petitioner is convicted on any offense, a direct appeal would be an inadequate remedy for any of the alleged perceived errors.

Accordingly, it is ORDERED, that the Petition for Writ of Prohibition be, and hereby is, DENIED.