

Wolff v. ROP, 9 ROP 104 (2002)
MARTIN WOLFF,
Appellant,

v.

REPUBLIC OF PALAU,
Appellee.

CRIMINAL APPEAL NO. 02-03
Criminal Case No. 99-253

Supreme Court, Appellate Division
Republic of Palau

Decided: May 13, 2002

[1] **Appeal And Error:** Interlocutory Appeals

The appropriate time to consider an appeal occurs after the entry of a final judgment.

[2] **Appeal And Error:** Interlocutory Appeals

In the context of a criminal proceeding, the rule necessitating a final judgment before appeal is especially rigid because the delays and disruptions attendant upon intermediate appeal, which the rule is designed to avoid, are especially inimical to the effective and fair administration of the criminal law.

[3] **Appeal And Error:** Interlocutory Appeals; **Habeas Corpus:** Filing of Petition

A petition for a writ of habeas corpus is properly filed in a separate action in the Trial Division, not in an ongoing criminal case for which the trial court has not entered a final judgment, thereby making the appeal of the denial of the petition interlocutory in nature.

Counsel for Petitioner: Pro Se

BEFORE: LARRY W. MILLER, Associate Justice; R. BARRIE MICHELSEN, Associate Justice;¹ KATHLEEN M. SALII, Associate Justice.

PER CURIAM:

Martin Wolff has filed an appeal from the Trial Division's denial of his petition for a writ of habeas corpus in Criminal Action Number 99-253, and a motion to permit an interlocutory

¹Although Justice Michelsen was unavailable to sign this Order, he participated in the consideration of this appeal, and joins in this decision which is issued at this time in order to avoid any delay in the ultimate resolution of this matter.

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appeal from the same criminal action. Because both the appeal and the motion are inappropriate requests for interlocutory appeals, we dismiss the appeal and deny the motion.

[1, 2] We begin with the well-established presumption that the appropriate time to consider an appeal occurs after the entry of a final judgment. *Renguul v. Orak*, 9 ROP 86, 88 (2002). As we have noted previously, “[p]iecemeal appeals disrupt the trial process, extend the time required to litigate a case, and burden appellate courts.” *Id.* (internal quotations and citations omitted). Indeed, in the context of a criminal proceeding, the rule necessitating a final judgment before appeal is especially rigid “because the delays and disruptions attendant upon intermediate appeal, which the rule is designed to avoid, are especially inimical to the effective and fair administration of the criminal law.” *Abney v. United States*, 97 S. Ct. 2034, 2039 (1977) (citation and internal quotations omitted). With regard to his explicit request for an interlocutory appeal, Wolff has not provided **¶105** any reason to disrupt the presumption against such an unusual procedure, and accordingly we deny his request.

[3] Similarly problematic is Wolff’s appeal of the Trial Division’s denial of his petition for a writ of habeas corpus which he filed in Criminal Action No. 99-253, the pending criminal action against him. First, Wolff did not properly file his petition as he should have instituted a separate action in the Trial Division requesting habeas corpus relief. *See* 18 PNC §§ 1101-1102.² Second, because Wolff filed the petition in the ongoing criminal case for which the trial court has not entered a final judgment, the appeal of the denial of that petition is interlocutory in nature. As with his explicit request for interlocutory relief, Wolff has not attempted to explain why the extraordinary measure of a piecemeal appeal of the denial of his petition is necessary. Therefore, we dismiss his appeal as an unmerited request for an interlocutory appeal of the trial court’s denial of his request for habeas corpus relief.

²We take judicial notice that Wolff filed a separate petition for a writ of habeas corpus in the Trial Division, *Wolff v. ROP*, Civil Action No. 02-113, which the court denied on March 29, 2002. We are at a loss as to why Wolff appealed the denial of the petition at issue here instead of the denial of that petition, which lacks both of the problems inherent in Wolff’s present appeal.