

**MEDEWES, Appellant**

**v.**

**TRUST TERRITORY OF THE PACIFIC ISLANDS, Appellee**

**Criminal Case No. 66**

**Trial Division of the High Court**

**Palau District**

**August 27, 1954**

Defendant was convicted in Palau District Court of disturbing the peace in violation of T.T.C., Sec. 426, by waking and calling to occupants of household during the night. On appeal, defendant contends that course of conduct in which he had engaged did not violate Sec. 426. The Trial Division of the High Court, Associate Justice James R. Nichols, held that defendant's conduct was clearly breach of the peace as defined in Trust Territory Code. Affirmed.

**1. Disturbing the Peace—Generally**

Where person comes to house between 1:00 a.m. and 3:00 a.m. and calls to persons therein in loud voice, frightening entire household, his course of conduct is clearly breach of the peace as defined in Trust Territory Code. (T.T.C., Sec. 426)

2. Disturbing the Peace Generally

Any person who unlawfully and wilfully commits acts which annoy or disturb other persons so that they are deprived of their right to peace and quiet is guilty of disturbing the peace. (T.T.C., Sec. 426)

<i>Assessor:</i>	R. FRITZ
<i>Interpreter:</i>	FRANCISCO K. MOREI
<i>Reporter:</i>	ZELLA L. MOORE
<i>Counsel for Appellant:</i>	ROMAN TMETUHL
<i>Counsel for Appellee:</i>	SGT. ULENGCHONG

NICHOLS, *Associate Justice*

The appellant advances as his ground for appeal that the course of conduct in which he had engaged did not constitute disturbing the peace, as defined in Section 426 of the Trust Territory Code.

The appellant argues that some time between 8:00 and 10:00 p.m., in the evening on which the alleged offense occurred, he had a headache and went to a house known as Blailahelid to borrow some medicine. The occupants of the house were asleep, so the appellant awakened Kliu and borrowed the medicine from her. Later he called another occupant named Laty two or three times. The appellant argues that he then departed and shortly thereafter some other man came, flashed a light upon the house, and made some noise.

The appellee argues that the appellant came to the house known as Blailahelid some time between 1:00 and 3:00 a.m., on the night on which the alleged offense occurred. At first, he called Kliu three times. When she awoke, he borrowed some medicine. Kliu testified that, at that time, she smelled sake on the appellant's breath. She proceeded to testify that, after the appellant inquired about a woman named Laty, who was sleeping in the house, he called her a number of times in a loud voice, frightening the entire household.

## CONCLUSIONS OF LAW

[1, 2] Even taking a view of the evidence most favorable to the appellant, it is the opinion of the court that the course of conduct in which the appellant engaged was clearly a breach of the peace as defined in Section 426 of the Trust Territory Code, which says in part: "Whosoever shall unlawfully and wilfully commit any acts which annoy or disturb other persons so that they are deprived of their right to peace and quiet . . . shall be guilty of disturbing the peace."

## JUDGMENT

The finding of guilty and the sentence appealed from in Palau District Criminal Case No. 199 are affirmed.