

**HILARIO LANZANAS, Appellant**

v.

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

**Criminal Appeal No. 45**

**Appellate Division of the High Court**

**Mariana Islands District**

**October 31, 1974**

Abandoned appeal. The Appellate Division of the High Court, Brown, Associate Justice, dismissed the appeal.

**Appeal and Error—Notice and Filing of Appeal**

Where appellant failed to pay balance due on transcript and did not ask the court to waive the amount due, appeal would be taken as abandoned and dismissed.

*Counsel for Appellant:*  
*Counsel for Appellee:*

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*Benjamin M. Abrams*  
*William S. Amsbary*

Before HEFNER, *Associate Justice*, and BROWN, *Associate Justice*

HEFNER, *Associate Justice*

The notice of appeal was filed in this matter on April 27, 1973. The estimated cost of the transcript was conveyed to appellant and he paid \$45.00. The transcript was completed on or about August 7, 1973, and an additional \$18.75 was due from appellant. Counsel for appellant was notified of this on August 8, 1973, by the Clerk of Courts, Marianas District.

For over one year the appellant has failed to pay the balance due or proceed with his appeal.

Of great concern to this Court is the right of the defendant to appeal his conviction. The sum of \$18.75 stands between him and the transmittal of the transcript. However, the burden is upon the appellant to diligently prosecute his appeal. *Aquon v. Rogoman*, 2 T.T.R. 258; Rules of Criminal Procedure, Rule 32d. Although the sum involved is small, the appellant has failed to pay or to ask this Court to waive the balance due. The failure to even take the latter step leads the court to the conclusion that appellant has completely ignored his rights of appeal and has abandoned the appeal.

This appeal is, therefore, dismissed.