

NOKEI, Appellant
v.
TRUST TERRITORY OF THE PACIFIC ISLANDS, Appellee
Criminal Case No. 155
Trial Division of the High Court
Truk District
September 21, 1962

Appeal from conviction in Truk District Court of drunken and disorderly conduct in violation of T.T.C., Sec. 427. The Trial Division of the High Court, Associate Justice Paul F. Kinnare, held that prosecution had failed to show that conduct occurred in public place.

Reversed.

1. Criminal Law—Statutes—Construction

Where language of penal statute is unambiguous and conveys clear meaning, there is no occasion to resort to rules of statutory interpretation.

2. Drunken and Disorderly Conduct—Generally

To establish crime of drunken and disorderly conduct, prosecution must establish beyond reasonable doubt that accused was drunk and disorderly and that this conduct occurred on street, road or public place. (T.T.C., Sec. 427)

3. Drunken and Disorderly Conduct—"Public Place"

Where no evidence is introduced to show that building in which offense of drunken and disorderly conduct allegedly occurred was "public place," prosecution failed to prove element of offense charged. (T.T.C., Secs. 424, 427)

KINNARE, Associate Justice

This is an appeal from a conviction on a charge of Drunken and Disorderly Conduct (Trust Territory Code, Section 427), and it is based on the contention that the evidence does not support the finding in that there was no proof of disorderly conduct. Counsel for the appellant and appellee waived argument and stipulated that the appeal should be determined on the basis of the record and the briefs submitted.

[1] The wording of Section 427 of the Trust Territory Code is as follows:—

“Whoever is drunk and disorderly on any street, road, or other public place from the voluntary use of intoxicating liquor, shall be guilty of drunken and disorderly conduct, and upon conviction thereof shall be punished according to the provisions of Section 424.”

“Limitations upon Strictness of Construction. . . . In any event, where the language of a penal statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to rules of statutory interpretation.” Am. Jur. Vol. 50, Statutes, § 410.

[2] In this case the court finds that the language of the Code section here involved is plain and unambiguous, and that the prosecution, to obtain a conviction under this section, must establish beyond a reasonable doubt all of the necessary elements of the crime; that is, first, that the accused was drunk; second, that he was disorderly; and, third, that this drunken and disorderly conduct occurred on a street, road, or other public place.

[3] In the case of *Ngirboketereng v. Trust Territory*, 1 T.T.R. 216, the court stated, in reversing a finding that the accused was guilty of violation of Code sections 424 and 427,

“In view of the fact that no evidence was introduced to show that the building in which the alleged offenses occurred was a ‘public place’ within the meaning of Sections 424 and 427 of the Trust Territory Code, the prosecution failed to prove one of the elements of each of the offenses charged.”

The finding and sentence of the District Court in its District Court Criminal Case No. 1483 are, therefore, vacated and set aside, and a finding of not guilty is entered and the accused acquitted.