DEBORAH RENGIIL, MARGO LLECHOLCH, and SHERRY TADAO,
Appellants,

v.

REPUBLIC OF PALAU,
Appellee.

CRIM. APPEAL NO. 12-001
Crim. Case No. 10-038
Supreme Court, Appellate Division
Republic of Palau

Decided: August 28, 2013

[1] **Review and Error:** Reconsideration of Appellate Opinions

Petitions for rehearing should be granted exceedingly sparingly, and only in those cases where this Court's original decision obviously and demonstrably contains an error of fact or law that draws into question the result of the appeal.

Counsel for Petitioner, Deborah Rengiil:
Mariano Carlos
Counsel for Respondent, Republic of Palau:
Brentley S. Foster

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; LOURDES F. MATERNE, Associate Justice; and KATHERINE A. MARAMAN, Part-Time Associate Justice.

PER CURIAM:

This matter concerns Defendant Deborah Rengiil's convictions of numerous charges of money laundering and grand larceny. The facts of these charges and trial are detailed in the Opinion issued in this

matter affirming the Trial Division's determinations. *See Rengiil v. ROP*, Civ. App. No. 12-013, slip op (April 30, 2013). We will not list those details again here.

After the Opinion was issued, counsel for Rengiil filed a timely Petition for Rehearing on May 13, 2013. Below, we briefly explain why, after careful consideration, this petition is **DENIED**.

[1] Petitions for rehearing must be filed within fourteen days after an appellate opinion has been issued and it must "state with particularity each point of law or fact that the petitioner believes the court has overlooked or misapprehended." ROP R. App. P. 40(a). We grant "[p]etitions for rehearing . . . exceedingly sparingly, and only in those cases where this Court's original decision obviously and demonstrably contains an error of fact or law that draws into question the result of the appeal." *Western Caroline Trading Co. v. Philip*, 13 ROP 89, 89 (2006) (citation and internal quotation marks omitted).

Rengiil's lengthy argument detailed in her petition is hardly more than a complicated version of the same argument that was rejected by the Trial Division and then again by the Appellate Division. According to Rengiil, from its inception the subsidiary ledger reflected loans to her in the amount of hundreds of thousands of dollars. Rengiil contends, however, that despite these ledger entries, she did not receive all of these funds that the bank loaned to her and that, instead, she was entitled to write checks to herself from the bank against that amount and without making a record of the checks on the subsidiary ledger. Incredibly, Rengiil was making payments against the loans she alleges she did not receive, including interest payments. Further, Rengiil goes to great length, again, to argue that because the subsidiary ledger reflected the full loan amount (that she had not yet borrowed) from the inception of the bank's use of the ledger, if Rengiil *had* recorded the checks she subsequently wrote, she would have been responsible for paying back *double* the amount she was borrowing.

Perhaps as one extra twist, Rengiil attempts to argue that her loan was somehow different than the construction loans offered by the bank in that it did not require recording in the subsidiary ledger. Rengiil has pointed to no evidence of record to substantiate these claims.[1]

We agree with the Republic that the argument that Rengiil was paying interest and principal on a loan for which she had not even had money disbursed is absurd. Evidence regarding the bank procedures and Rengiil's loan sufficiently established that Rengiil's loan was like every other loan one can find at a bank—a loan where the borrower is responsible to pay back the amount they borrowed, plus interest. And the only way for the bank to keep track of its loans is to require the proper recording of loan disbursements, which occurred when Rengiil drew checks on her loan, and not some time before. We have no doubt that the bank was guilty of some sloppy recordkeeping. But quite simply, the Trial Division found that Rengiil attempted to get

[1] Rengiil testified at trial that her loan was simply a "housing" or "construction" loan. *See Trial Transcript, Testimony of Deborah Rengiil*, p. 1020, Ins. 12–17.

away with writing substantial checks without proper recording.

The Trial Division heard testimony and accepted that Rengiil was required to record her loan disbursements in the subsidiary ledger when she wrote out checks. Because she did not do this, the checks were unaccounted for, making Rengiil guilty of her charges. On appeal, we were presented no reason to doubt these factual findings by the trial court. And again, on review of the appellate Opinion, Rengiil has given us no reason to question our ruling.

Rengiil further complains that two witnesses, John DeVivo and Tim Taunton, could have substantiated her theories concerning the bank procedures for her loan, but that the Republic failed to call these individuals as witnesses. Rengiil explains, "John Devivo should have been brought by the government to testify. He would have explained away the whole case against the defendants . . . ." This argument is absurd. Surely counsel is aware of his ability to call witnesses at trial. If counsel believed there were witnesses who could support a theory of Rengiil's defense, then it was defense counsel's responsibility to call those witnesses. And in any event, we will not grant a petition for rehearing simply because the defense claims that there is testimony out there that was not presented at trial and that might be helpful to Rengiil's case.

We remain un-swayed by the defense's arguments, which have now failed for a third time before the courts. For this reason, we **DENY** Rengiil's petition for rehearing.