

Wolff v. Ngiraklsong, 9 ROP 21 (2001)
MARTIN WOLFF,
Petitioner,

v.

**THE HONORABLE ARTHUR NGIRAKLSONG, CHIEF JUSTICE OF THE PALAU
SUPREME COURT,**
Respondent.

SPECIAL PROCEEDING NO. 01-02
Criminal Case No. 99-253

Supreme Court, Appellate Division
Republic of Palau

Decided: October 30, 2001

[1] **Appeal and Error:** Prohibition, Writ of

To demonstrate that a writ of prohibition is warranted, petitioner must clearly establish that a lower court is about to exercise judicial power in an unauthorized manner and that the exercise of such power will result in injury for which there is no other adequate remedy.

[2] **Appeal and Error:** Prohibition, Writ of

Direct appeal of judgment of conviction is sufficient adequate remedy such that writ of prohibition seeking to compel the trial court judge to disqualify himself for demonstrating bias is not appropriate.

Counsel for Petitioner: Pro Se

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

PER CURIAM:

[1, 2] Yesterday, Martin Wolff requested a writ of prohibition seeking to compel the trial court judge to disqualify himself for allegedly demonstrating bias during the criminal proceedings against him. To demonstrate that a writ of prohibition is warranted, Mr. Wolff “must clearly establish that a lower court is about to exercise judicial power in an unauthorized manner and that the exercise of such power will result in injury for which there is no other adequate remedy.” *Kruger v. Mokoll*, 5 ROP Intrm. 121, 122 (1995). Mr. Wolff, however, has not shown that there is no other adequate remedy to address the alleged bias because he is entitled to this court’s full review of the disqualification issue in a direct appeal if a judgment of conviction is entered against him. *Fritz v. Ngiraklsong*, 3 ROP Intrm. 341, 341 (1993); *see also Lin v. Ngiraklsong*, 5

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ROP Intrm. 258, 259 (1996) (request for writ of prohibition denied because petitioner failed to demonstrate that “direct appeal would be an inadequate remedy for any of the alleged perceived errors”).

Accordingly, the petition for a writ of prohibition is DENIED.