

MARTHA GROSS, Appellant, v. REPUBLIC OF
LIBERIA, Appellee.

MOTION TO DISMISS APPEAL.

Argued April 12, 1934. Decided April 20, 1934.

Judgment by default may be rendered against any party who, having appealed to this Court, neglects to appear and prosecute the appeal when called for hearing.

The appellant was convicted of the crime of embezzlement and appealed to this Court. She failed to appear when the case was called for hearing. Appellee moves to dismiss. *Motion granted.*

No appearance for appellant. *The Attorney General* for appellee.

MR. JUSTICE RUSSELL delivered the opinion of the Court.

On the 25th day of August, 1933, Martha Gross, appellant, was arraigned upon an indictment for the charge of embezzlement, and pled not guilty; whereupon a jury was impanelled to try the issue joined between her and the Republic of Liberia. After several days' trial, the petit jury brought a verdict of guilt against her, whereupon the trial judge rendered the appropriate sentence. From said judgment and other rulings of the trial court, she appealed to this Court of last resort for review.

On the 12th day of April, 1934, when this case was called for hearing here, the appellant failed to appear either in person or by counsel; whereupon the Attorney General, representing the Republic of Liberia, appellee, filed a motion to dismiss said appeal because she failed to appear either in person or by counsel and cited as the

legal grounds of his motion Revised Rules of the Supreme Court of Liberia, No. 3, sub-section 3.

It is therefore the opinion of this Court that the appeal should be dismissed and the lower court notified to resume jurisdiction and execute its judgment; and the clerk of this Court should be ordered to send a mandate to the court below informing it of this judgment; and it is so ordered.

Motion granted.