

FILED

AUG 28 2017

**Fort Peck Tribal Court
of Appeals**

Appellate Court
Fort Peck Indian Reservation
P.O. Box 1027
Poplar, Montana, 59255
PHONE 1-406-768-2400
FAX 1-406-768-3710

**FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

TIMOTHY TODD	CAUSE NO. AP # 599/601/602
VS.	ORDER DENYING REVIEW
FORT PECK TRIBES	

Appeal from the Fort Peck Tribal Court, Jury Conviction in 1801-09-07.

Appellant appeared pro se.

Appellee appeared by and through Tribal Prosecutor, James Bighorn

Before Smith, Chief Justice, and Shanley and Knudsen, Associate Justices

This Matter comes before the Fort Peck Court of Appeals on a Petition for Review filed March 5, 2012 from a verdict of guilty on the charge of Carrying a Concealed Dangerous Weapon, in violation of VII CCOJ 401, after a jury trial held February 23, 2012. The Notice of Appeal is erratic and complicated, citing issues of an affirmative defense, prosecutorial misconduct, a competency hearing, an estate issue, and a violation of Appellant's first, fourth, fifth, sixth, and fourteenth constitutional rights under the United States Constitution.

Upon review of the Petition and file, the Court finds as follows:

1. There was nothing that occurred during the trial which prevented the Appellant from asserting the affirmative defense of Defense of Property and calling witnesses in support of that defense.
2. The finding of guilt was issued based on evidence, testimony, and documents produced at a jury trial on said matter.
3. The Appellant had the opportunity to appear, call witnesses, present evidence on his behalf, and cross-examine any of the Tribes' witnesses.
4. The jurisdiction of the Court of Appeals is extended to review determinations of the Tribal Court on matters of law, but the Appellate Court shall not set aside factual determinations supported by substantial evidence. II CCOJ § 202.
5. The Appellate Court finds nothing in the Tribal Trial Court record which gives cause for review of any legal issue and does not find cause to set aside any trial court determinations of fact.
6. The issues presented by Appellant, without further documentation, clarification, and support, do not give rise to a legal issue reviewable by the Appellate Court.
7. Although the Indian Civil Rights Act [ICRA] imposes many of the requirements found in the United States Constitution, Tribes are not subject to the provisions of the United States Constitution. Appellant does not identify any violations of the ICRA in the appeal and this Court does not find any due process violation under ICRA in the record that would justify this Court intervening in this matter at this point in the proceedings.

8. Furthermore, the Appellate Court, as correctly stated by the Tribe, has already determined that an appeal of a criminal conviction is premature if it occurs prior to the imposition of a sentence. Fort Peck Tribes v. Dale Rowe, APP 492 (April 2008). This is not the type of situation where an interlocutory order from this Court would be appropriate.

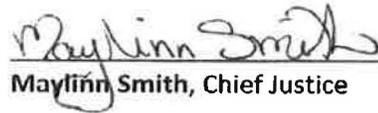
Based on this Court's review of the record, there is no error in law and the evidence is sufficient to support the verdict.

Appellant Petition for Review is hereby DENIED.

Dated this 28th day of August 2017,

FORT PECK COURT OF APPEALS

BY


Maylinn Smith, Chief Justice


Erin Shanley, Associate Justice


DANIEL P. KNUDSEN
Associate Justice