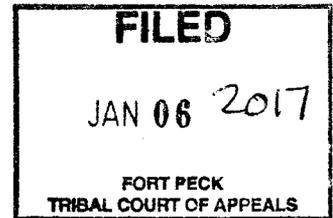


Appellate Court
Fort Peck Indian Reservation
P.O. Box 1027
Poplar, Montana, 59255
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**FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

IN THE MATTER OF: J.S. D.O.B. 08/02/2009 FORT PECK TRIBES, APPELLEE, vs. MARIAH PIPE, APPELLANT	CAUSE NO. AP # 734 ORDER OF DENIAL
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¶1 This matter came before the Fort Peck Appellate Court on a Notice of Appeal and Request for Stay, filed November 21, 2016 by Public Defender Terry Boyd on behalf of Appellant Mariah Pipe.

¶2 The Fort Peck Tribes Comprehensive Code of Justice Title 2 Chapter 2 Section 207 governs procedure on decision for review in civil cases. The matter Boyd attempted to file with this Court, as outlined in his brief, is a family matter and is not a criminal case.

¶3 A Tribal Public Defender or Assistant Defender shall represent consenting individuals accused of *crimes* at no charge in tribal court. 2 CCOJ Ch. 6 § 613 [emphasis added]. A defense attorney, including a Public Defender, may not

participate in any Wellness Court proceeding. 6 CCOJ Ch. 10 § 1005(b)(2). A party to a civil matter who has received a final determination in tribal court, as Pipe was here, may file a petition for review to this Court. 2 CCOJ Ch. 2 § 207(a). Such a party may request the Tribal Public Defender prepare his or her petition to this Court for review. Id. Once the petition for review to this Court is prepared in accordance with a party's desires, the party may either hire counsel or submit it to this Court personally.

¶4 In *all* civil appellate matters:

“the petition for review must be taken within fifteen (15) days from the date of the entry of the final order or judgment appealed from by filing such petition with the clerk of the Tribal Court together with the docket fee and any bond required pursuant to this Section.”

2 CCOJ Ch. 2 § 207(a).

¶5 Section 207(d) details the “docket fee.” It reads:

“(d) Docket fee and bond. The petition for review shall be accompanied by a docket fee of fifty dollars (\$50.00) and a bond to be set by the Court. The maximum amount of the bond is fifty dollars (\$50.00). The Court may waive or reduce the bond and the docket fee if it finds that the appellant is indigent.”

2 CCOJ Ch. 2 § 207(d).

¶6 The requirement that parties seeking appeal in civil cases pay a \$50.00 filing fee is found within Tribal law. A party to a civil matter seeking appellate review must either: 1) pay the \$50.00 fee or 2) apply to this Court for permission to proceed without the fee. The option to proceed without paying a docket fee is reserved for parties who are indigent. Permission to proceed without the fee must be obtained from this Court in advance

¶7 Here, Public Defender Boyd failed to pay the fee or seek permission to proceed without paying the fee because his client, Mariah Pipe, was indigent. Boyd

was not exempt from payment of the filing fee here by virtue of his position as Tribal Public Defender, as this was a civil appeal.

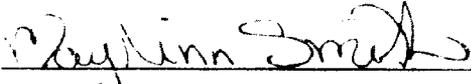
¶8 The Court continues to strongly encourage advocates and attorneys to review and follow the various provisions of the Tribal code relating to the representation of individuals and the appeal process, in order to competently represent individuals at all stages associated with the tribal justice process under applicable law. This Court's ability to exercise jurisdiction over the issues and parties is directly connected to compliance with the statutory requirements imposed by the Tribal code. Failure to satisfy these requirements adversely impacts review of substantive issues.

¶9 For these reasons, Appellant's Notice of Appeal and Request for Stay is DENIED based on a failure to comply with required appeal procedures.

SO ORDERED this 6th day of January 2017.

FORT PECK COURT OF APPEALS

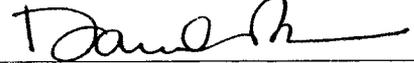
BY



Maylinn Smith, Chief Justice



Erin Shanley, Associate Justice



DANIEL P. KNUDSEN
Associate Justice