

Appellate Court
Fort Peck Indian Reservation
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FILED
1:20 MAR 13 2017
Fort Peck Tribal Court
of Appeals

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

In the Matter of T. F. (DOB 06/09/00), A Minor Indian Child.	CAUSE NO. AP #737 ORDER DENYING APPEAL
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Appeal from the Fort Peck Tribal Court, Michael Headdress, Presiding Judge.
Appearing on behalf of Appellant T.F., Victor Fourstar Jr., Father.
Before Smith, Chief Justice, and Shanley and Knudsen, Associate Justices.

Background

¶1 This matter came before the Fort Peck Appellate Court on a Notice For Appeal filed January 5, 2017 by Victor Fourstar Jr. challenging the juvenile delinquency conviction of his son by the lower court based on a violation of his

constitutional rights under the Indian Civil Rights Act and on the assertion his guilty plea was not made knowingly and voluntarily.

Statement of Jurisdiction

¶12 The Fort Peck Appellate Court has jurisdiction to review all final orders from the Fort Peck Tribal Court when a timely appeal is made. 2 CCOJ § 202. The Order to Release from Custody which deferred the juvenile's charges for 60 days was a final order issued on January 4, 2017, and the juvenile's father filed a Notice of Appeal within the fifteen (15) day statutory period, therefore the notice of appeal is deemed timely filed.

Order

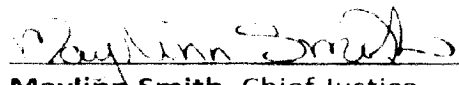
¶13 The Appellant argues that the Juvenile's guilty plea to Disorderly Conduct was made involuntarily because he was not appointed counsel pursuant to the Indian Civil Rights Act. The Appellant further argues that the sentence, which included deferment for 60 days on the condition the juvenile abstain from alcohol and drugs, have no violations of the law, remain on house arrest until he leaves for Teen Challenge, and successfully complete the program, was harsh and discriminatory.

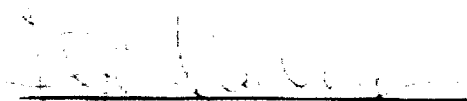
¶14 After reviewing the record, this Court finds the Appellant's argument unfounded and does not find a legitimate legal issue for review. The Indian

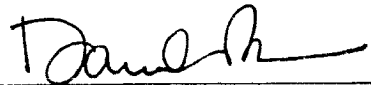
Civil Rights Act only guarantees a right to Counsel in juvenile adjudications at the juvenile and his legal guardian's own cost. The Juvenile was read his rights and charges, with his legal guardian, Latoya Jones, present. Neither he nor his legal guardian requested an opportunity to retain counsel. Furthermore, the Judge retains discretion in sentencing as long as the sentence is within the parameters of the law. This Court does not find the Tribal Court's decision to defer the sentence with various conditions to be unreasonable, discriminatory, or an abuse of the Judge's discretion.

¶15 For the above-mentioned reason, the Fort Peck Court of Appeals finds nothing in the Tribal Court record which gives cause for review of any legal issue and does not find cause to set aside the trial court's determinations of fact. Therefore, it is hereby **ORDERED** that the Notice of Appeal is **DENIED**.

SO ORDERED this 13th day of March, 2017.
FORT PECK COURT OF APPEALS

BY 
Maylinn Smith, Chief Justice


Erin Shanley, Associate Justice


DANIEL P. KNUDSEN
Associate Justice