
**FORT PECK COURT OF APPEALS
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

WARM SPRINGS TRIBAL COURT
On behalf of WILLIAM DANIEL REDFOX,
Petitioner/Appellant,

Appeal No. 011

vs.

DAVID JOSEPH REDFOX,
Respondent/Appellee.

Appeal from the Fort Peck Tribal Court, Fort Peck Indian Reservation, Poplar, Montana, special appointed Judge, Honorable Cranston Hawley, Fort Belknap Reservation, Harlem, Montana.

For Appellant: David Irving, Glasgow, Montana.

For Appellee: Carol Connor, Albuquerque, New Mexico.

This case was submitted on briefs. No oral argument was deemed necessary by the Appellate Court. The Appellant submitted a brief. The Appellee failed to submit a brief.

Opinion by Don Sollars, sitting in the place of Terry Boyd, who was disqualified by his own motion. Concurring opinions by Chief Justice Patch and Associate Justice Lumpkin. Reversed and Vacated.

Mr. Justice Sollars delivered the opinion of the Court and it is attached and entitled "Advisory Opinion".

A statement of the case is contained within the attached Advisory Opinion and is adopted by the concurring Judges. Based upon the Advisory Opinion submitted by Mr. Justice Sollars, a unanimous Court concurs in his conclusions, that the proper jurisdiction for this matter is in Warm Springs Tribal Court.

Therefore, it is held by this Court that the Order and Opinion of the Honorable Cranston Hawley, dated 25th day of April, 1984, is Reversed and Vacated. A Writ of Habeas Corpus should be granted and the child returned to the jurisdiction of the Warm Springs Tribal Court for any further action in this matter.

All other orders of the Fort Peck Tribal Court are null and void. The jurisdiction of the Fort Peck Tribal Court in this matter is limited to issuing the requested Writ of Habeas Corpus as filed by the Appellant.

DATED this _____ day of December, 1984.

BY THE COURT OF APPEALS:

Chief Justice Ralph J. Patch

Associate Justice Bill Lumpkin
