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

FORT PECK ASSINIBOINE AND SIOUX TRIBES,
Plaintiff/Appellee,

vs.

Appeal No. 032

RODNEY CLARK,
Defendant/Appellant.

A MOTION TO APPEAL filed January 16, 1987, in the above-entitled matter, appealing a judgment of guilty to a violation of III CCOJ 417, Failure to Support Dependant Persons, entered against Appellant by the Honorable Judge Mary Gourneau on January 6, 1987 in the Fort Peck Tribal Court, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Montana.

FOR DEFENDANT/APPELLANT: Rodney Rocky Clark General Delivery, Brockton, Montana 59213.

FOR PLAINTIFF/APPELLEE: Fort Peck Tribal Court, Tribal Court Prosecutor, P. O. Box 1027, Poplar, Montana 59255.

Briefs were not submitted by Appellant or Appellee. At the time set for Oral Argument September 24, 1987, neither party or their attorneys appeared. On September 24, 1987, this Court issued an Opinion which held as follows:

HELD: BECAUSE THE PARTIES OR THEIR ATTORNEYS DID NOT APPEAR AT ORAL ARGUMENT AND SINCE APPELLANT FILED NO BRIEF OR APPELLEE A RESPONSE BRIEF, IT IS THE UNANIMOUS DECISION OF THIS COURT THAT THE APPEAL OF THIS MATTER BE AND THE SAME HEREBY IS DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED THAT THE JUDGMENT OF THE TRIBAL COURT IMPOSING A FINE OF \$25.00 AND ORDERING APPELLANT TO PAY CHILD SUPPORT OF \$75.00 EVERY TWO (2) WEEKS FOR A TOTAL OF \$150.00 PER MONTH BEGINNING JANUARY 16, 1987 IS HEREBY AFFIRMED.

OPINION delivered by Daniel R. Schauer, Associate Justice joined by Gary James Melbourne, Associate Justice and Arnie A. Hove, Chief Justice.

On January 2, 1987, a Criminal Complaint was signed by Millie Youpee and filed in Tribal Court on January 2, 1987 against Appellant alleging he committed the offense of Failure to Support Dependant Persons in violation of III CCOJ 417. Millie Youpee alleged that Appellant hadn't provided support for her two (2) children and requested Appellant pay \$150.00 per child per month since he was working at A & S.

At the arraignment On January 6, 1987, before the Honorable Judge Mary Gourneau, Appellant entered a plea of guilty to the offense and the Court imposed a \$25.00 fine on her and ordered he pay \$75.00 every two (2) weeks, which would be \$150.00 per month child support. These payments were to begin January 16, 1987.

The Appellant filed a Motion to Appeal January 16 , 1987 Pursuant to I CCOJ 205(a), on August 28, 1987, an Order granting and Appeal and Setting a Briefing Schedule And Date and Time for Oral Arguments granted Appellant his absolute right to appeal a final order of conviction of the Tribal Court.

The Appellant's Motion to Appeal gave no grounds for the appeal, therefore, there was no issues for this Court to address.

BECAUSE THE PARTIES OR THEIR ATTORNEYS DID NOT APPEAR AT ORAL ARGUMENT AND SINCE APPELLANT FILED NO BRIEF OR APPELLEE A RESPONSE BRIEF, IT IS THE UNANIMOUS DECISION OF THIS COURT THAT THE APPEAL OF THIS MATTER BE AND THE SAME HEREBY IS DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED THAT THE JUDGMENT OF THE TRIBAL COURT IMPOSING A FINE OF \$25.00 AND ORDERING APPELLANT TO PAY CHILD SUPPORT OF \$75.00 EVERY TWO (2) WEEKS FOR A TOTAL OF \$150.00 PER MONTH BEGINNING JANUARY 16, 1987 IS HEREBY AFFIRMED.

DATED this _____ day of November, 1987.

BY THE COURT OF APPEALS:

ARNIE A. HOVE, Chief Justice

DANIEL R. SCHAUER, Justice

GARY JAMES MELBOURNE, Justice
