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

IN THE MATTER OF
STEVEN DOUGLAS,
Defendant/Appellant,

Appeal No. 102

vs.

FORT PECK TRIBES,
Plaintiff/Appellee.

This matter having come before the Appeals Court by **NOTICE OF APPEAL** filed from a verdict given on the 25th day of January, 1990;

This matter was duly set for briefing schedule and oral arguments before the Appeals Court; however, neither the Defendant/Appellant nor his Counsel of record filed any brief, memorandum or statement of issues and did not appear for oral arguments;

Counsel for the Fort Peck Tribes, Ronald Arneson, appeared for oral arguments and stated that he was unable to determine the issues of appeal since Defendant/Appellant did not file an appeal brief;

This Court concurs with the position of Counsel for the Fort Peck Tribes; a responsive brief is not required or expected where there is no appeal brief from which to respond.

Based on a review of the file in this matter and Section 202 of the **Title I, CCOJ** that this Court will not set aside factual determinations of the Court if supported by substantial evidence;

It is the opinion of this Court that the findings of the Court in said matter are supported by substantial evidence;

THEREFORE, THIS COURT HEREBY AFFIRMS APPELLANT' S CONVICTION ON THREE COUNTS OF AGGRAVATED ASSAULT.

THIS MATTER IS FURTHER REMANDED TO THE FORT PECK TRIBAL COURT FOR PURPOSES OF SENTENCING AND THE STAY OF PROCEEDINGS IS LIFTED AND VACATED

EFFECTIVE IMMEDIATELY.

DATED this _____ day of July, 1990.

BY THE COURT OF APPEALS:

Gerard M. Schuster, Chief Justice

Gary James Melbourne, Associate Justice

Debra A. Johnson, Associate Justice
