

**FORT PECK COURT OF APPEALS
ASSINIBOINE & SIOUX TRIBES
POPLAR, MONTANA**

FORT PECK TRIBES,)	
)	
Plaintiff/Appellant,)	Cause No. <u>482</u>
)	
-vs-)	
)	ORDER
ALYSSA FIREMOON,)	
)	
Defendant/Appellee)	

A Notice of Appeal was filed on behalf of the Fort Peck Tribes, (“the Tribes”), on July 27, 2007, appealing the Tribal Trial Court’s dismissal of one of the criminal complaints against Appellee Alyssa Firemoon.

On June 5, 2007, the Tribes filed two criminal complaints against Appellee, one for Youth in Need of Supervision and one for Disorderly Conduct. At the initial hearing on June 6, 2007, Appellee entered not guilty please to both charges. The fact-finding hearing required under the Fort Peck Tribes Comprehensive Code of Justice, (“CCOJ”), Title IX §305 was set for July 17, 2007. Prior to the hearing, off the record and without the youth and guardian present, the presiding Judge informed the Tribes that he was dismissing both charges. The Tribes appeal only the dismissal of the disorderly conduct charge. Essentially the Tribes contend that the trial court was mistaken in its ruling that an allegation of running away from home meets the elements of disorderly conduct.

While Title IX provides a specific right of appeal to a youth, CCOJ Title IX §307, it does not provide for a right of appeal to the Tribes. Thus, for guidance on the scope of the Tribes’ authority to appeal, we turn to the general provisions on appeals in CCOJ Title II, §205. Whether or not to review a civil matter is within the discretion of this Court.

In the absence of a written decision of dismissal or a record of the proceedings, we are unable to determine whether or not we should exercise our discretion to accept the appeal.

Therefore, we remand the matter for further proceedings on the record.

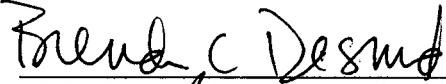
**BASED UPON THE FOREGOING FINDINGS AND GOOD CAUSE
APPEARING:**

IT IS NOW, THEREFORE, THE ORDER OF THIS COURT THAT:

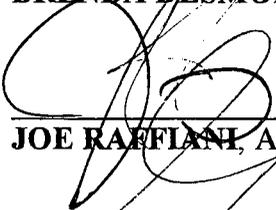
1. The Petition for Review is granted and the matter is remanded to the Tribal Trial Court for further proceedings.

DATED this 23 day of June 2008.

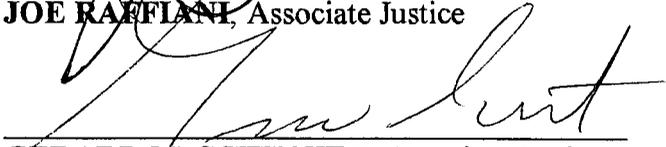
FORT PECK COURT OF APPEALS

By: 

BRENDA DESMOND, Chief Justice



JOE RAFFANI, Associate Justice



GERARD M. SCHUSTER, Associate Justice