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

FORT PECK TRIBES
Appellee\Plaintiff ,

vs.

Appeal No. 150

MELVIN DENNIS SCOTT,
Appellant\Defendant .

ORDER

This matter comes before the Appellate Court on a Petition for Review filed by Melvin Dennis Scott, Pro Se, from a Court Order entered on January 8, 1992, Honorable Robert Welch presiding. The Order denied a motion for withdrawal of guilty plea and denied a motion for expungement of felony sentence.

Appellant filed his brief in support of appeal; no brief was filed on behalf of Appellee Fort Peck Tribes; we took the matter under advisement on the basis of the brief submitted and assume that the arguments of Appellant are meritorious since no responsive brief was filed.

IT IS THEREFORE THE ORDER OF THE COURT AS FOLLOWS:

1. The requirement of oral argument (1 CCOJ 211) on criminal appeals is rendered moot by the absence of a responsive brief by Appellee, and therefore this order issues without oral argument. 1 CCOJ 202(c).
2. The previous order denying motion for withdrawal of guilty plea to the charge of Escape (IV CCOJ 412) is reversed.
3. The previous order denying expungement of the felony sentence from Appellant's record is reversed.

DATED this 10th day of June, 1992.

BY THE COURT OF APPEALS:

GERARD M. SCHUSTER, Chief Justice

GARY JAMES MELBOURNE, Associate Justice

DEBRA JOHNSON, Associate Justice
