

FORT PECK COURT OF APPEALS  
ASSINIBOINE AND SIOUX TRIBES  
FORT PECK INDIAN RESERVATION

CHARLES DAVID HUNKAPILLAR,  
Defendant/Appellant)  
versus  
FORT PECK ASSINIBOINE AND SIOUX)  
TRIBES,  
Plaintiff/Appellee)

OPINION  
APPEAL 185

\*\*\*\*\*

Defendant/Appellant Charles David Hunkapillar was charged with Aggravated Sexual Assault of a Child, Title III, Chapter 2, Section 214 (A) of the Fort Peck Tribes Comprehensive Code of Justice. A jury trial was held in Fort Peck Tribal Court, Wolf Point, Montana on January 19, 1993, before the Honorable Leland Spotted Bird, Associate Judge. The jury returned a verdict of guilty and the defendant's appeal hearing was held on October 14, 1993.

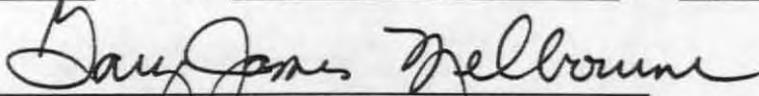
The defendant sought refuge and based on the Appeal on the Indian Civil Rights Act of 1968 and non-specific procedural judicial errors. The assertion by the defense that the Court record is incomplete is unfounded and incorrect. Further, the issue of a speedy and public trial was also addressed by the defense. The Court of Appeals found due process was demonstrated by the Tribes with full consideration to a speedy trial.

As to the issue of a public trial, the Honorable Judge Leland Spotted Bird was correct in closing the court. Further, the Court found no merit to the charge of cruel and unusual punishment.

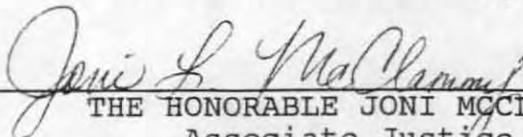
Equal protection under the law is given to all; the Defendant in this case was no exception.

The Fort Peck Court of Appeals affirms the lower Court's decision.

DATED THIS 27<sup>th</sup> DAY OF December, 19 93.



THE HONORABLE GARY JAMES MELBOURNE  
Associate Justice  
Fort Peck Court of Appeals



THE HONORABLE JONI MCCLAMMY  
Associate Justice  
Fort Peck Court of Appeals