

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

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IN THE MATTER OF THE ESTATE OF )		
	)	
DANIEL MARTELL, SR., )		
	)	Cause No. <u>453</u>
A deceased Tribal Member, )		
	)	<b>ORDER DENYING PETITION</b>
WILLIAM MARTEL, SR., )		<b>FOR REVIEW</b>
	)	
Appellant. )		

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This matter comes before the Fort Peck Court of Appeals on a Petition for Review filed June 1, 2006. The Appellant filed pro se and the Appellee, Delphine LeMay, apparently was not served with a copy of the Petition until on or about August 18, 2006 upon notice from the Appeals Court Clerk to counsel of record.

**Upon review of the Petition and the file, this Court finds as follows:**

1. The Order from which the appeal was taken is the January 24, 2006 Order of Judge John D. Christian. In that Order, the Respondent, Delphine LeMay, is ordered to return a 1990 Ford Tempo to William Martel, Sr. within 15 days of date of the Order.
  
2. The Petition for Review addresses issues other than that contained in the January 24, 2006 Order; specifically, Appellant contends that there is no reference to some guns being returned to the heirs of Daniel Martell, Sr. The issue of the return of guns and other property was addressed in a September 12, 2005 Order of the Court, Judge Richard K. Jackson presiding.

3. The January 24, 2006 Order of Judge John D. Christian is not a final order or judgment of the Tribal Court as contemplated by Title II CCOJ Section 202. The Order addresses one issue, and that issue is not the issue of the Petition for Review.

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

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

1. The Petition for Review be, and the same is hereby denied.

**DATED** this 5<sup>th</sup> day of September, 2006.

**FORT PECK COURT OF APPEALS**

By:

Brenda C Desmond  
**BRENDA DESMOND, Chief Justice**

Joe Raffiani <sup>DK</sup> 9-21-06  
**JOE RAFFIANI, Associate Justice**

Gerard M. Schuster  
**GERARD M. SCHUSTER, Associate Justice**