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

FORT PECK TRIBES,
Appellant

vs.

Appeal No. 232

SHANNON LEZARD,
Appellee

OPINION\ORDER

Upon review of the Lower Court record and the Appeal brought on behalf of Appellant, Shannon Lezard this Court issues the following:

Appellant Shannon Lezard, an enrolled member of the Colville Tribes, petitioned the Fort Peck Appellate Court to hear the above entitled case. On appeal the Appellant contends that she was not allowed to factually present her side of the case. Additionally, Appellant presents to this Court that she was treated unfairly before the jury which created a prejudicial effect and may have influenced the jury. In support of her appeal the appellant filed an affidavit of Dana Lezard. It is indicated in the affidavit of Dana Lezard that she was treated unfairly and intimidated by Judge Stafne which may have caused a prejudicial effect in the minds of the jury. This Court having reviewed the transcript of the Lower Court proceedings finds that Judge Stafne acted appropriately in cautioning the witness about being under oath and telling the truth and Judge Stafne acted appropriately in instructing the witness that she was subject to cross examination. It is this Courts finding that the Defendant Shannon Lezard was given a fair trial.

NOWHEREFORE it is the Order of this Court that this case be remanded to the Lower Court for proceeding consistent with the final Commitment Order dated May 5, 1995.

The Lower Court Order in this matter is hereby **AFFIRMED**.

Dated this _____ day of December, 1996.

BY THE COURT OF APPEALS:

Gary M. Beaudry, Chief Justice

Gerard Schuster, Associate justice
