

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

FORT PECK TRIBES.)	
)	
Plaintiff/Appellant,)	Cause No. <u>460</u>
)	
-vs-)	
)	OPINION AND ORDER
LAWRENCE CROWE.,)	
)	
Defendant/Appellee.)	

Appearances:

Michael Headdress, Adrienne Weinberger, Prosecutors, Fort Peck Tribes, P.O. Box 1027, Poplar MT 59255, Counsel for Appellant Fort Peck Tribes.

Judy Falcon, on behalf of Appellee Lawrence Crowe, Poplar, MT

This is an appeal of a Tribal Trial Court Order dismissing a criminal contempt charge against Defendant/Appellee Lawrence Crowe. Oral argument was held on December 7, 2007. We affirm in accordance with the following.

Appellee Crowe was charged on June 6, 2006 with a delinquent offense, specifically Criminal Contempt, in violation of Title VII, §§ 244, 240 and 241 of the Fort Peck Comprehensive Code of Justice, ("CCOJ 2004"). The basis of the charge was Mr. Crowe's alleged failure to remain at home when he was on court ordered house arrest. A hearing in the matter was held on September 19, 2006. At the hearing, Mr. Crowe's mother indicated that the family had not received notice

that a house arrest order remained in effect. Following the hearing, the Tribal Trial Court dismissed the charge in part because the Tribes had not presented evidence of the house arrest Order.

We affirm the Tribal Trial Court. The transcript of proceedings supports dismissal based on lack of notice to the youth and his family that he remained on house arrest.

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

The Judgment of the Tribal Court is affirmed.

DATED this 28 day of April, 2008.

FORT PECK COURT OF APPEALS

By: Brenda Desmond
BRENDA DESMOND, Chief Justice

Joe Raffiani
JOE RAFFIANI, Associate Justice

Gerard M. Schuster
GERARD M. SCHUSTER, Associate Justice

Attest
Dana R. Rine
05-01-2008