

**FORT PECK COURT OF APPEALS  
 ASSINIBOINE AND SIOUX TRIBES  
 FOR PECK INDIAN RESERVATION  
 POPLAR, MONTANA 59255**

Fort Peck Tribes	)	
Plaintiff/Appellee	)	
-vs.-	)	Case No. AP 492
	)	
Dale Rowe,	)	<b>ORDER</b>
Defendant/Appellant	)	

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Defendant/Appellant Dale Rowe filed a Notice of Appeal from a November 8, 2007, Order of the Honorable Tribal Judge Robert Welch.

On November 8, 2007, after a bench trial, Mr. Rowe was found guilty, of Aggravated Assault of a Child in violation of Chapter VII §227 of the Fort Peck Comprehensive Code of Justice, ("CCOJ"). Following the Court's ruling of guilt, the Court stated that Mr. Rowe would be sentenced within 10 days and directed that he be placed back into custody pending the sentencing hearing.

On November 15, 2007, a sentencing hearing was held at which the Tribal prosecutor recommended the maximum sentence of one year in jail. Mr. Rowe asked that the Tribal Court stay sentencing pending appeal. The Court granted his request. Mr. Rowe also requested release pending appeal. The Tribal prosecutor opposed bond. The Court did not set bond.

According to CCOJ, § 202. Jurisdiction of Court of Appeals, "The jurisdiction of the Court of Appeals shall extend to all appeals from final orders and judgments of the Tribal Court." Since Mr. Rowe has not been sentenced, the Tribal Court has not entered final judgment. This appeal is premature.

Therefore, IT IS HERBY ORDERED, that this appeal is dismissed and the matter is remanded to the Tribal Trial Court for imposition of sentence.

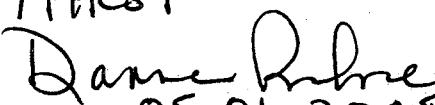
DATED this 25<sup>th</sup> day of April, 2008

**FORT PECK COURT OF APPEALS**

By:

  
 BREND A DESMOND, Chief Justice

  
 GERARD M. SCHUSTER, Associate Justice

Attest  
  
 05-01-2008

Fort Peck Tribal Court  
Assiniboine and Sioux Tribes  
Fort Peck Indian Reservation  
Poplar, Montana

IN THE MATTER OF )

**Fort Peck Assiniboine and Sioux Tribes,** )  
Plaintiff/Appellee  
Versus )

**Case # AP 492**

**Dale Rowe,** )  
Defendant/Appellants

\*\*\*\*\*

CERTIFICATE OF SERVICE

I, Danna Runsabove, hereby state that a copy of the foregoing **ORDER** issued by the Fort Peck Court of Appeals of the Fort Peck Tribes, ~~was deposited in the United States Postal Service, via Regular Mail,~~ on the 1<sup>st</sup> day of May, 2008.

*Was served the follow*

**ADDRESS:**

**Dale Rowe**  
c/o Tribal Jail  
**To be served by Process Server**

**Prosecutor's Office**  
(To be placed in Chief Prosecutor's box-Adrienne)

Copies given to: Rene Martell, for our website and other distribution

Copies delivered to each Tribal Judge's Poplar Office box for their review

Copy delivered to Lower Court file for the record



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Danna Runsabove, Fort Peck Court of Appeals Clerk