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

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IN THE MATTER OF  
STEVEN DOUGLAS,  
Defendant/Appellant,

VS.

**Appeal No. 102**

FORT PECK TRIBES,  
Plaintiff/Appellee.

This matter having come before the Appeals Court by **NOTICE OF APPEAL** filed from a verdict given on the 25th day of January, 1990;

This matter was duly set for briefing schedule and oral arguments before the Appeals Court; however, neither the Defendant/Appellant nor his Counsel of record filed any brief, memorandum or statement of issues and did not appear for oral arguments;

Counsel for the Fort Peck Tribes, Ronald Arneson, appeared for oral arguments and stated that he was unable to determine the issues of appeal since Defendant/Appellant did not file an appeal brief;

This Court concurs with the position of Counsel for the Fort Peck Tribes; a responsive brief is not required or expected where there is no appeal brief from which to respond.

Based on a review of the file in this matter and Section 202 of the **Title I, CCOJ** that this Court will not set aside factual determinations of the Court if supported by substantial evidence;

It is the opinion of this Court that the findings of the Court in said matter are supported by substantial evidence;

**THEREFORE, THIS COURT HEREBY AFFIRMS APPELLANT' S CONVICTION ON THREE COUNTS OF AGGRAVATED ASSAULT.**

**THIS MATTER IS FURTHER REMANDED TO THE FORT PECK TRIBAL COURT FOR PURPOSES OF SENTENCING AND THE STAY OF PROCEEDINGS IS LIFTED AND VACATED**

**EFFECTIVE IMMEDIATELY.**

**DATED** this \_\_\_\_\_ day of July, 1990.

**BY THE COURT OF APPEALS:**

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Gerard M. Schuster, Chief Justice

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Gary James Melbourne, Associate Justice

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Debra A. Johnson, Associate Justice

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