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

C.S.,
a juvenile,

-VS- **Appeal No. 115**

FORT PECK TRIBES,
Appellee.

**ORDER REVERSING THE TRIBAL COURT'S APRIL 16, 1990 ORDER AND PLACING THE CHILD
IN PROTECTIVE CUSTODY**

This matter having come before the Appeals Court by **NOTICE OP APPEAL** filed from a verdict given on the 1st day of August, 1990;

This matter was duly set for briefing schedule and oral arguments before the Appeals Court; however, the Counsel of record for Defendant/Appellant did not file any brief, memorandum or statement of issues as ordered by the Court.

Counsel for the Fort Peck Tribes, Ronald Arneson, filed a Motion to Dismiss the appeal since 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.

THEREFORE, this Court hereby dismisses this appeal and affirms Appellant's conviction.

This matter is remanded to the Fort Peck Tribal Court for purposes of sentencing; **HOWEVER**, Defendant/Appellant is granted until April 15, 1991 to obtain other counsel in the matter of the appeal and to file a motion for reconsideration and supporting documents on or before said date;

IT IS FURTHER ORDERED that any sentencing procedures by the Port Peck Tribal Court be stayed until after April 15, 1991;

IT IS FURTHER ORDERED that if a motion for reconsideration and supporting documents are not filed on or before April 15, 1991 that the dismissal of Defendant/Appellant's appeal is final and Defendant/Appellant is ordered to be brought before the court for sentencing.

DATED this 18th day of March, 1991.

BY THE COURT OF APPEALS:

Gerard M. Schuster, Chief Justice

Gary J. Melbourne, Associate Justice

Debra Johnson, Associate Justice
