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

IN RE THE MATTER OF

JOHN BIG LEGGINS, SR.
LONNIE and MARILYN STEELE, ,
Appellant,

Appeal No. 156

vs.

FORT PECK TRIBES,
Appellee.

ORDER DISCHARGING FORFEITURE

THIS MATTER having come before the Appeals Court on a Petition for Review of the order of the Fort Peck Tribal Court forfeiting bond in the amount of \$2,500.00 in said matter; and

The matter having been heard on oral arguments on the 14th day of August, 1992, the Appellants being represented by Mary L. Zemyan, Attorney at Law, Wolf Point, Montana and the Appellee .the Fort Peck Tribes being represented by Clayton Reum, Special Prosecutor, Poplar, Montana.

The Court having considered the oral arguments and having reviewed the file herein makes the following Findings of Fact, Conclusion of Law and Order:

FINDINGS OF FACT

Appellant Big Leggins was ordered released (from incarceration) on \$500.00 bond and into the custody of Lonnie and Marilyn Steele on April 17, 1992, pending appeal on the charges of AGGRAVATED ASSAULT and ROBBERY. He was further ordered to appear before the Appellate Court on April 24 at 2:30 P.M. for further consideration .

On April 18, 1992, Appellant Lonnie Steele paid the cash bond in the amount of \$500.00 as shown by

bond receipt No. 8484; at the time of posting bond the receipt was filled in as to the date and time Appellants were to appear.

On April 24, 1992, Appellants did appear before the Appellate Court for further consideration. At that time the Court imposed an additional cash bond requirement of \$2,000.00 pending appeal on the charges of AGGRAVATED ASSAULT and ROBBERY, the Court being advised of the additional charge of ESCAPE pending against Appellant Big Leggings.

Appellant Steele posted the additional cash bond in the amount of \$2,000.00 as shown by bond receipt No. 8526; at the time bond was posted the receipt was not filed in as to the date and time Appellants were to appear for further hearings on the charges of AGGRAVATED ASSAULT and ROBBERY.

Appellant Big Leggings had been charged with the offense of Escape prior to the hearing on April 24, 1991, and had pled not guilty.

Appellant Big Leggings appeared at the Poplar Tribal Court on June 2, 1992 at 1:00 P.M. and was arrested for Contempt of Court; at the time of arraignment he was informed by the Court that the bond previously posted in the amount of \$2,500.00 had been forfeited that morning at 9:30 A.M. at the time he was supposed to have appeared for trial on the Escape charge. Counsel informed the Court that the bond posted was for the charges of Aggravated Assault and Robbery and had been imposed by the Appellate Court.

There was conflicting testimony as to whether Appellant Big Leggings understood that his trial on the charge of Escape was to commence at 9:00 A.M. on June 2, 1992; he did appear at 1:00 P.M. on said date, by which time the jury had been excused.

From the foregoing Findings of Fact, this Court makes the following:

CONCLUSION OF LAW

1. The Court has jurisdiction over this matter. 1 CCOJ §202.
2. Appellant Big Leggings 1 bond of \$2,500.00 was posted by Appellants Lonnie and Marilyn Steele pursuant to orders of the Appeals Court on the charges of Aggravated Assault and Robbery.
3. We concluded -that Appellant Big Leggings' failure to appear at Tribal Court on June 2, 1992 at 9:00 A.M. did not justify the forfeiture of" \$2,500.00 bond imposed by the Appellate Court.

Front the foregoing Conclusion of Law, **IT IS HEREBY ORDERED, ADJUDGED AND: DECREED:**

1. The order of the Tribal Court dated June 2, 1992, forfeiting- bond of \$2,500.00 is reversed, and the forfeiture is discharged:.
2. The bond of \$2,500.00 posted by Lonnie and Marilyn Steele is ordered to be refunded to the person or persons posting same.

DATED this 24th day of August, 1992.

BY THE COURT OF APPEALS:

Gerard M. Sschuster, Chief Justice

Gary J. Melbourne, Associate Justice

Florence Youpee, Associate Justice
