
**FORT PECK TRIBAL COURT
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
WOLF POINT, MONTANA**

WAYNE WEEKS,
Appellant,

vs.

Appeal No. 176

FORT PECK TRIBES
Appellee.

THIS APPEAL is from a court verdict, entered on November 16, 1992 in which Defendant/Appellant was found guilty of criminal contempt of court.

ARGUED: May 7, 1993

DECIDED: May 11, 1993

APPEARING FOR DEFENDANT/APPELLANT (Wayne Weeks): Rita Weeks, Lay Law Advocate, Wolf Point, Montana. Argued orally; appeal brief filed.

APPEARING FOR PLAINTIFF/APPELLEE (Fort Peck Tribes): Emmett Buckles, Tribal Prosecutor, Wolf Point, Montana. Argued orally.

HELD: JUDGMENT AFFIRMED; THERE IS SUFFICIENT EVIDENCE TO SUSTAIN APPELLANT'S CONVICTION. FURTHER, HELD; STAY OF SENTENCE IS LIFTED AND SENTENCE IS IMPOSED AS PREVIOUSLY ORDERED.

FINDINGS OF FACT. CONCLUSIONS OF LAW AND ORDER:

At the Court hearing held on November 16, 1992, Judge Spotted Bird heard clear and convincing testimony which indicated that Defendant/Appellant Wayne Weeks was ordered to become current in child support payments within 90 days of March 24, 1992, and that he failed to do so. Trial transcript, Page 1,3. The Defendant offered no defense to the charge, or evidence indicating he should not be found guilty of the charge. Transcript, page 6.

The jurisdiction of the Court of Appeals is as follows:

Section 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. The Court of Appeals shall review de novo all determinations of the Tribal Court on matters of law, but shall not set aside any factual determinations of the Tribal Court if such determinations are supported by substantial evidence.

The transcript of the Tribal Court hearing shows that there was substantial evidence that Defendant/Appellant failed to pay child support as ordered. This Court will not set aside or substitute its judgment for such factual findings, **1 CCOJ §202**.

We find no merit in Appellant's argument of failure to find that Defendant intentionally failed to pay support; and therefore reject same.

THEREFORE, THIS COURT HEREBY AFFIRMS DEFENDANT'S/APPELLANT'S CONVICTION FOR THE CHARGE OF CRIMINAL CONTEMPT AND HEREBY LIFTS THE STAY OF SENTENCE PREVIOUSLY GRANTED.

DATED this 11th day of May, 1993.

BY THE COURT OF APPEALS:

GERARD M. SCHUSTER

GARY J. MELBOURNE

DEBRA A. JOHNSON

ADDENDUM: The Appeals Court has no objection to work release for Mr. Weeks.
