

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

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GEORGE AND BEVERLY WALKING EAGLE,  
Appellants,

vs.

**APPEAL No. 199**

FORT PECK HOUSING AUTHORITY,  
Appellee.

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**ORDER**

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Upon review of the tribal court, record, pleadings and arguments of record the Court being fully advised of the premises finds the following:

1. The Appellants' petition for review was filed July 6, 1993, twentytwo (22) days after the Tribal Courts Order of Judgement was entered. The Appellants' petition for review was not taken on a timely basis I CCOJ Section 207(a).
2. The Fort Peck Housing Authority's actions in adopting amendments to the Rules of Occupancy and Drug Elimination Policy did not amount to a bill of attainder or to the promulgation of an ex post facto law. *Leyh v. Property Clerk of City of New York Police Dept.*; 774 F. Supp. 742, 746-747 (E.D.N.Y. 1991). Consequently Appellants constitutional rights have not been violated.
3. Tribal Courts reasoning on pages 3-10, Tribal Court Order June 14, 1993 is sufficient to overcome objections of Petitioner on admission of the testimony of officer Buzzell. Appellant misapplies F.R.C.P. 11 (e) (6) and FRE 410. Defendant/ Appellant pled guilty to two counts of the superseding indictment and has never withdrawn his plea of guilty. The statutes and case law are clear and unambiguous that these rules of procedure and evidence do not apply when the person has not withdrawn his guilty plea. Additionally, there is not evidence of record indicating that the Defendant made statements to any prosecuting attorney implicating his

guilt. Observation of law enforcement officer Buzzell and Defendants admissions to officer Buzzell is admissible evidence not protected by F.R.C.P. II(e)(6) and F.R.E. 11.

4. The Fort Peck Housing Authority is subject to Federal mandate in adopting rules of Occupancy and Drug Elimination 42 T.J.S.C. 1437 d(l) (5) for this reason this court finds no requirement of giving tenants an opportunity to be heard. The court finds that, before the Fort Peck Housing Authority can implement the technical changes in the Rules of Occupancy and Drug Elimination Policy, pursuant to and in accordance with the lease agreement the Fort Peck Housing Authority is required to, notify the tenant of the changes. The court further finds that the Tribal Court properly determined that adequate notice was given each tenant as provided under the lease agreement.

NOWTHEREFORE IT IS THE ORDER OF THE COURT: that the Petition for Review is DENIED and this case hererby remanded back to Tribal Court for futher disposition.

DATED this 17th day of December, 1993.

**BY THE COURT OF APPEALS:**

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Gary M. Beaudry, Chief Justice

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Gary J. Melbourne, Associate Justice

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