

Appellate Court
Fort Peck Indian Reservation
P.O. Box 1027
Poplar, Montana, 59255
PHONE 1-406-768-2400
FAX 1-406-768-3710

FILED
02 MAY 6 2021 *dy*
FORT PECK
TRIBAL COURT OF APPEALS

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

Ashley Whiteman, Appellant, Vs. Fort Peck Tribes, Appellee.	CAUSE NO. AP #808 ORDER DENYING APPEAL
--	---

Appeal from the Fort Peck Tribal Court, Imogene Lilley, Presiding Judge. Appellant Ashley Whiteman, appearing through Defense Advocate Terry Boyd. Appellee, Fort Peck Tribes, appearing through Tribal Prosecutor David Mrgudich. Before Shanley, Chief Justice and Desmond and Jones, Associate Justices.

¶ 1 This matter came before the Fort Peck Court of Appeals on a Notice of Appeal filed April 5, 2021 by Appellant Whiteman, requesting review of a Tribal Court Order issued March 24, 2021 denying appellant's Motion for Summary Judgment. Appellant alleges that the Youth Court case was barred due to the criminal court already addressing the safety of her child during a status conference in a separate and unrelated criminal matter regarding exclusion.

¶ 2 Appellate review in civil cases is discretionary. Rules of Procedure in the Court of Appeals, Appendix 3, Rule 10. The Fort Peck Comprehensive Code of Justice, Title 7, covers criminal matters. The purpose of a criminal matter is to determine whether or not an individual charged with a criminal offense is innocent or guilty and make the proper disposition of criminal cases. The burden of proof is beyond a reasonable doubt. 7 CCOJ 104. Title 9 of the CCOJ covers youth who are alleged to be abused, neglected, abandoned or dependent. 9 CCOJ 401. The burden of proof is clear and convincing evidence 9 CCOJ 505(d). Therefore, although a criminal proceeding and a hearing under the Youth Code may involve the same parties and cover similar issues, the hearings are two entirely different proceedings with different purposes and standards of proof.

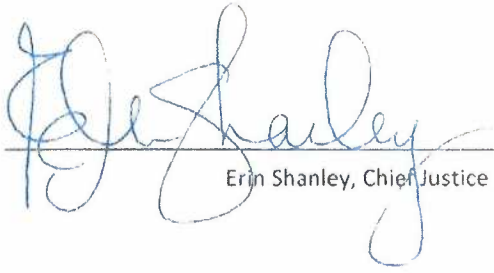
¶ 3 Therefore, although the Notice of Appeal was timely filed, nothing in the appeal articulates that the Tribal Court abused its discretion or misapplied the law when denying the Appellant's Motion for Summary Judgment. For that reason, this Court shall deny review.

ORDER

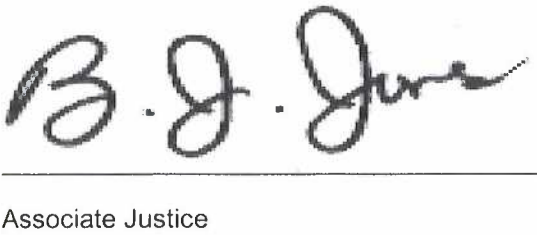
¶ 4 For the above-mentioned reasons, Appellant's Petition for Review is hereby DENIED.

SO ORDER this 6th day of May 2021.

FORT PECK COURT OF APPEALS


Erin Shanley, Chief Justice


Brenda Desmond, Associate Justice


Associate Justice