

FILED

JUN 4 2021

**FORT PECK
TRIBAL COURT OF APPEALS**

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

Rick John Morales Jr., Appellant, Vs. Fort Peck Tribes, Appellee.	CAUSE NO. AP #812 ORDER DENYING APPEAL
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Appeal from the Fort Peck Tribal Court, Stacie Fourstar, Presiding Judge.
Appellant Rick John Morales Jr., appearing pro se.
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 27, 2021 by Appellant Morales, requesting review of an Exclusion Order issued January 28, 2020. Appellant alleges that his due process rights were violated when he was not afforded Counsel at the exclusion hearing and the presiding judge was not a licensed attorney.

¶ 2 Although, the exclusion ordinance is contained within the Criminal Title, it is clearly a civil proceeding which is initiated by the Tribal Executive Board or the Tribal Civil Prosecutor. 7 CCOJ 702. The charges and order to exclude must be adopted by majority vote of the Tribal Executive Board. *Id.* After charges are authorized by the Tribal Council, the Tribal Court is required to hold a public hearing on the charges in which the person charged has a right to respond to the charges, present witnesses, cross-examine the Tribes' witnesses, present evidence and be represented by Counsel at his own expense. 7 CCOJ 704.

¶ 3 In this matter, the Tribal Executive Board authorized exclusion charges and a temporary exclusion order on December 12, 2019. The Tribal Court held a hearing and issued an Order to Exclude Appellant on January 28, 2020. Appellant filed his Notice to Appeal this decision on April 27, 2021.

¶ 4 The Comprehensive Code of Justice states that any party who is aggrieved by a final order or judgment of the Tribal Court may file a petition requesting the Court of Appeals to review that order. 2 CCOJ 205(b). However, the petition for review in a civil case must be filed within fifteen (15) days from the date of entry of the final order. 2 CCOJ 207. Appellant's notice of appeal requesting this court to review the final order in his civil exclusion matter was filed 15 months after the Tribal Court Order was issued.

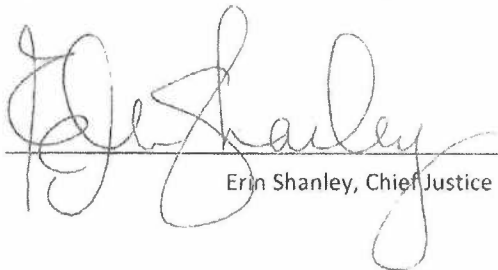
¶ 5 Therefore, the Notice of Appeal was not timely filed in accordance with Tribal Law. For that reason, this Court shall deny review.

ORDER

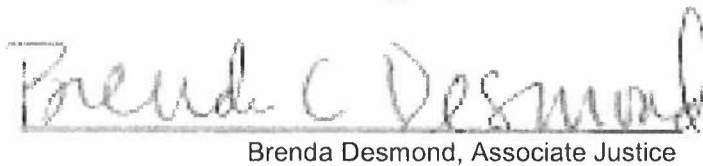
¶ 6 For the above-mentioned reasons, Appellant's Petition for Review is hereby DENIED.

SO ORDER this 24th day of May 2021.

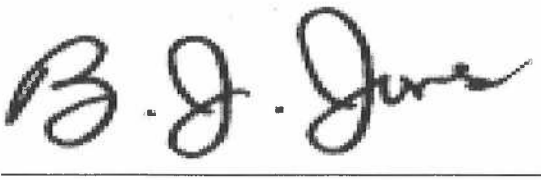
FORT PECK COURT OF APPEALS



Erin Shanley, Chief Justice



Brenda Desmond, Associate Justice



Associate Justice