

**FILED**

**OCT 22 2021**

**FORT PECK  
TRIBAL COURT OF APPEALS**

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

Fort Peck Tribes, Appellee  v.  Amanda Turcotte, Appellant.	CAUSE NO. AP # 816  ORDER
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Appeal from the Fort Peck Tribal Court, Stacey Four Star, Presiding Judge.  
Appellant Amanda Turcotte appearing through Advocate Terry Boyd.  
Appellees Fort Peck Tribes, represented by Prosecutor David Mrgudich.  
Before E. Shanley, Chief Justice and B.J. Jones, Associate Justice.

**BACKGROUND**

¶ 1 This matter comes before the Fort Peck Court of Appeals (FPCOA) on an appeal from the implicit denial of a motion for the return of personal property to the Appellant seized as the result of a criminal investigation. The Tribes did not oppose the motion below but the Court did not rule on it thus implicitly denying it.

## STATEMENT OF JURISDICTION

¶ 2 The Fort Peck Appellate Court reviews final orders from the Fort Peck Tribal Court. 2 CCOJ §202. The implicit denial of a motion in limine to restrict admission of evidence is a final order.

## STANDARD OF REVIEW

¶ 3 This Court reviews de novo all determinations of the lower 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. 2 CCOJ §202.

## ISSUE

**Whether the lower court should return the personal property (cell phone and cash) to the Appellant seized during her arrest for criminal offenses.**

## DISCUSSION

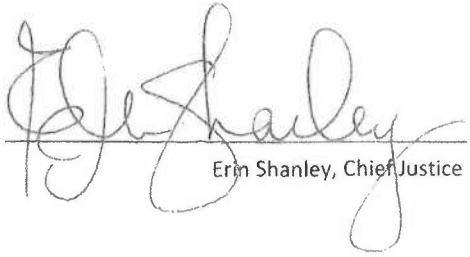
For the reasons stated above this Court overturns the implicit denial of the motion and directs the return of the property. The Tribes do not oppose the request and it appears that perhaps the matter was overlooked by the trial court.

## ORDER

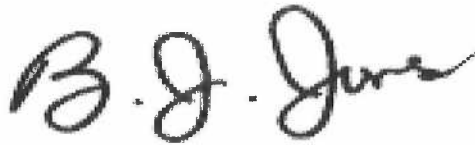
¶ 4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this case be remanded to the Tribal Court with the requirement that the Appellant's cell phone and cash be returned to her.

SO ORDERED the 22<sup>nd</sup> day of October 2021.

FORT PECK COURT OF APPEALS



Erin Shanley, Chief Justice



Associate Justice  
Associate Justice