

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

9-11
FILED
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FORT PECK
TRIBAL COURT OF APPEALS

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

Lynett Yellow Owl, Appellant,	CAUSE NO. AP #818
vs.	ORDER DENYING REVIEW
Lindy Crow, Appellee.	

¶ 1 This matter came before the Fort Peck Appellate Court on a Notice of Appeal filed October 8, 2021 challenging the Tribal Court's Order issued on October 7, 2021. Although Appellant refers to such Order as an "Eviction Order" in her Notice of Appeal, the Order is a Permanent Order of Protection issued pursuant to 8 CCOJ, Chapter 4. Although reciprocal orders of protection were issued in favor of both parties, the relevant Order for the purpose of this appeal is TRO 102-21.

¶ 2 The Court, after a trial on the matter in which Appellant failed to appear, issued a Permanent Order of Protection. In addition

the Court issued a Civil Standby Order authorizing law enforcement to maintain the peace while Appellant removed herself and her belongings from Appellee's home at 918 11th Ave. NE, Poplar, MT 59201. An attached Amendment to Dwelling Lease from the Fort Peck Housing Authority lists the household composition at that address, which does not include Appellant. Appellant submits that the lower court erred by evicting her from a Fort Peck Housing Authority unit. The lower court did not issue an eviction order, but rather in the Permanent Order of Protection ordered that Appellant stay a reasonable distance from Appellee's home at 918 11th Ave, NE in Poplar.

¶ 3 Nothing in the notice of appeal sufficiently demonstrates any abuse of discretion or misapplication of law occurred in connection with the lower court's Permanent Order of Protection. Although this Court reviews de novo all determinations of the lower court on matters of law, it does not set aside any factual determinations of the Tribal Court if such determinations are supported by substantial evidence. 2 CCOJ §202. For issues of fact, this Court grants the Tribal Court considerable deference as the finder of fact. In this matter, the Tribal Court set out sufficient factual findings in its Order to justify its decision. In order to accept a matter for review the notice must demonstrate a sufficient error

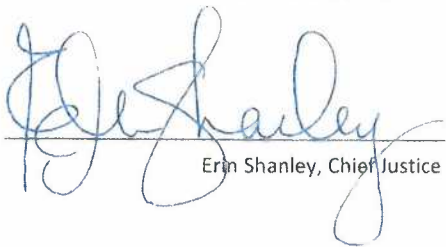
occurred at the lower court level. Here there was sufficient evidence to support the Court's findings that Appellee resides at the address provided. The Court did not err by restraining Appellant from contacting Appellee's residence after Appellant failed to appear at the Hearing.

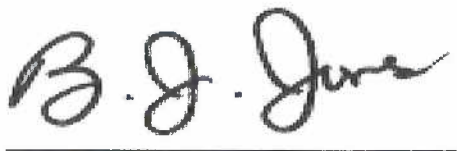
ORDER

¶ 4 The Appellant has failed to raise any legally sufficient issue demonstrating misapplication of law or abuse of discretion to support appellate review. Since appellate review in civil matters is discretionary, 2 CCOJ §207(b), Appellant's Petition for Review is hereby DENIED based on the insufficiency of the appeal to identify reviewable grounds or issues based on applicable standards of review.

SO ORDER this 8th day of November 2021.

FORT PECK COURT OF APPEALS


Erin Shanley, Chief Justice


Associate Justice

Associate Justice