

Appellate Court
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FILED
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FORT PECK
TRIBAL COURT OF APPEALS

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ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA

<p>Oral Grey Bear Jr., Appellant,</p> <p>v.</p> <p>Fort Peck Tribes, Appellee.</p>	<p>CASE NO. AP # 854</p> <p>ORDER DIRECTING THE TRIBES TO FILE A RESPONSE</p>
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Appeal from the Fort Peck Tribal Court, Judge Lonnie Headdress, Presiding.
Appellant Grey Bear appearing pro se.
BEFORE CHIEF JUSTICE SHANLEY AND ASSOCIATE JUSTICES JONES AND GRIJALVA

¶ 1 This matter comes before us on Mr. Grey Bear's appeal from the Tribal Court's judgment of conviction for the charges of Unlawful Possession of Dangerous Drugs, Illegal to Sell, Trade, or Bargain in Drug Paraphernalia, and Hindering Law Enforcement, and the imposition of a jail sentence of one hundred eighty (180) days.

¶ 2 The Fort Peck Appellate Court reviews final orders from the Fort Peck Tribal Court. 2 CCOJ §202. The defendant in a criminal case in Tribal Court has an appeal as of right from a judgment of conviction. 2 CCOJ 205(a). Therefore, the Tribes are not obligated to respond to Notices of Appeal.

¶ 3 Appellant failed to timely submit his Notice of Appeal. He claims he requested the forms to appeal while incarcerated, but did not receive them promptly, resulting in his untimely submission. The Tribes did not respond to Appellant's Notice of Appeal. Appellant also made a motion to this Court to Stay the Judgment Pending Appeal.

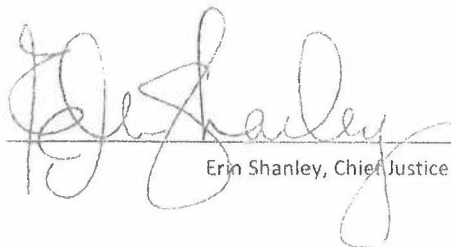
¶ 4 Proceeding without assistance of legal counsel, Appellant's Notice of Appeal claims violations of a long list of legal rights with almost no explanation or argument. These legal claims are variously based in the federal constitution, federal statutes, federal jurisprudence, evidentiary rules, tribal law and even the Fort Laramie Treaties. Appellant also claims he was unable to represent himself effectively because he lacked certain medications during incarceration and was therefore "unstable" at trial and at sentencing.

¶ 5 Motions to Stay must be made in the first instance in the Tribal Court. Rules of Procedure in the Court of Appeals, Rule 5. It appears Appellant did file for a stay with the Tribal Court. We have no record of the Tribal Court's decision. We direct the Tribal Court to put its decision on the motion for a stay of judgment on the record, for our review, within ten (10) business days of the date of this Order.

¶ 6 We also direct the Fort Peck Tribal Prosecutor to respond to Appellant's Notice of Appeals' claims, to assist the Court in ruling on those claims, within ten (10) business days of the date of service of this this Order.

SO ORDERED the 31st day of October 2023.

FORT PECK COURT OF APPEALS


Erin Shanley, Chief Justice

B.J. Jones

B.J. Jones, Associate Justice

James M. Grijalva

James Grijalva, Associate Justice