

**IN THE APPELLATE COURT
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION, PABLO, MONTANA**

<p>CONFEDERATED SALISH AND KOOTENAI TRIBES,</p> <p style="text-align:center">Plaintiff/Appellant,</p> <p>vs.</p> <p>COLBY ROBERTS,</p> <p style="text-align:center">Defendant/Appellee.</p>	<p style="text-align:right">Cause No. AP-18-1252-CR</p> <p style="text-align:center">ORDER ON PETITION FOR REHEARING EN BANC</p>
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Before this Court is a Petition for Rehearing *En Banc* filed by Defendant/Appellee Colby Roberts in which Defendant/Appellee requested a rehearing *en banc* of this Court's January 11, 2022 Opinion reversing the Tribal Court's decision on Defendant/Appellee's motion to suppress. For the reasons set forth below, we deny the Petition for Rehearing *En Banc* and dismiss the appeal.

On February 19, 2019, the Confederated Salish and Kootenai Tribes appealed the Tribal Court's decision granting Defendant's motion to suppress. Following briefing, the parties argued the case before this Court on September 18, 2019.

On January 11, 2022, well over two (2) years after the appeal was fully briefed and argued, this Court issued an opinion on the appeal.¹

In the meantime, the Tribes had initiated a process to dismiss its underlying case against Defendant Roberts. On January 31, 2022, the CSKT Tribal Prosecutor filed a Motion to Dismiss with Prejudice and on February 2, 2022, the Tribal Court issued an Order to Dismiss with Prejudice.

In light of the Tribes' dismissal of the underlying case against Defendant Roberts, the appeal is moot, and the Motion for Reconsideration will be denied.

IT IS THE ORDER OF THIS COURT that the Tribes' appeal of the Tribal Court's decision is DISMISSED as moot and, accordingly, Defendant/Appellee's Motion for Rehearing *En Banc* is DENIED.

Ordered this 9th day of June, 2022.



Daniel Belcourt

Honorable Daniel D. Belcourt
Chief Justice

¹ The Court notes that "All decisions, orders, or judgments of the Court of Appeals shall be rendered in writing by a majority of the justices hearing the appeal or special proceeding and filed with the Appellate Administrator *within 60 days of the date of the oral argument....*" Section 1-2-803, CSKT Laws Codified (emphasis supplied).

Certificate of Mailing

I, Abigail Dupuis, Appellate Court Administrator, do hereby certify that I mailed a true and correct copy of the Order on Petition for Rehearing En Banc to the persons first named therein at the addresses shown below by depositing same in the tribal interoffice mail at Pablo, Montana, this 9th day of June, 2022.

**James Taylor
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**Abigail Dupuis
Appellate Court Administrator**