

IN THE COURT OF APPEALS
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION

MICHAEL RAMIREZ, SR,	)	CAUSE NO. AP-09-177-DV
Petitioner/Appellee	)	
	)	
vs.	)	
	)	ORDER DISMISSING APPEAL
REBECCA GUNHAMMER	)	
Respondent/Appellant.	)	
	)	

Rebecca Gunhammer appeals the lower court's final order of dated March 22, 2011. Such appeals are governed by the Confederated Salish and Kootenai Law and Order Code (2003). Several deadlines, as dictated by the CSKT Rules of Appellate Procedure (hereinafter RAP), must be met in order for this Court to be able to hear a case.

Appellant filed a Notice of Appeal on March 24, 2011. A Notice of Appeal must be filed within 20 days of the date of a final judgment from the trial court. The Appellants notice was timely. Within five days of filing a Notice of Appeal, an Appellant must order a transcript of the lower court record according to Rule 3(RAP). There is no documentation that the Appellant ordered a transcript.

Rule 4 indicates that the lower court record must be transmitted to the Appellate Court Clerk within 30 days after filing the Notice of Appeal, unless an extension has been granted for good cause. The lower court transmitted a compact disc recording of the hearing, although not a written transcript, on March 24, 2011. A Certified Copy of the file was received on April 6, 2011. Upon the completion of the record transmitting, the case is deemed transferred to the Appellate Court.

The issue in this case arises with the filing of the brief as required by Rule 15 of the RAP. Rule 15 lays out the process through which an Appellant must write, file and

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serve her brief. Rule 15 (1) in relevant part says "An appellant's brief shall be filed and served within 20 days of the date the record is filed and transmitted..."

Rule 15 (5) says that a signed original and three copies (except as otherwise provided in these rules) of each brief shall be filed with the Appellate Administrator. The brief will contain a certification of service to each party separately represented, and will not be accepted for filing absent such certification (emphasis added). The rule additionally provides that certain headings and matters be addressed in the brief.

The Appellant filed a letter addresses to the "Tribal Appellate Court" on March 24, 2011. Her letter requests an appeal from the lower court's decision regarding a custody issue. It is unclear whether or not the Appellant intended this letter to be her brief in support of her appeal. If she did, she failed to provide the Appellate Administrator an original and three copies of the letter as required by Rule 15 (5) and she failed to address the issues outlined in Rule 15(1)(a) – (f). Most importantly, the record is bare of a certificate of service showing that the Appellant served the Appellee with this letter, if she intended it to be her brief. As Rule 15 (5) clearly indicates, no brief will be accepted for filing absent certification that it was served on the opposing party. As such, the letter of March 24, 2011 cannot be accepted as the Appellant's brief.

No other brief has been filed and Appellant's brief was due May 24, 2011. Rule 14 allows an extension of time for good cause shown. However, no extension was sought by the Appellant.

Without a brief in support of her Appeal explaining what relief the Appellant seeks, this Court has nothing on which it can make a ruling. If the Appellant's letter was intended to be her brief, the Appellant failed to show proof that it was properly served on the Appellee, without which it cannot be accepted for filing.

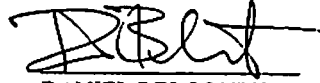
Either way this Court must dismiss this case for failure to file a brief.

ORDER

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IT IS HEREBY ORDERED that the case before this Court is DISMISSED with prejudice.

IT IS SO ORDERED THIS th12 DAY OF SEPTEMBER, 2011.


DANIEL BELCOURT
Associate Justice

Cc: Rebecca Gunhammer, Daniel Belcourt
Michael Ramirez, Appellee



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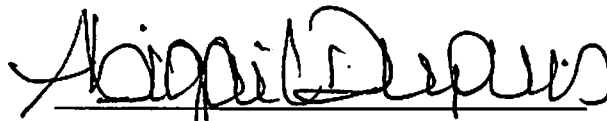
Certificate of Mailing

I, Abigail Dupuis, Appellate Court Administrator, do hereby certify that I mailed a true and correct copy of the ORDER DISMISSING APPEAL to the persons first named therein at the addresses shown below by depositing same in the U.S. Mail, postage prepaid at Pablo, Montana, this 12th day of September, 2011.

**Michael J. Ramirez, Sr.
P.O. Box 380
Pablo, Montana 59855**

**Rebecca L. Gunhammer
P.O. Box 484
St. Ignatius, Montana 59865**

**Cara Croft
Clerk of the Tribal Court
P.O. Box 278
Pablo, MT 59855**

A handwritten signature in black ink, appearing to read 'Abigail Dupuis', written over a horizontal line.

**Abigail Dupuis
Appellate Court Administrator**