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

IN RE THE CUSTODY OF: H.P.R.C, MINOR CHILD,)))	CAUSE NO. 09-457-cc
HENRY CLAIRMONT, Petitioner, Vs. MICHELLE EDMO)))	ORDER DISMISSING APPEAL
MICHELLE EDMO	Respondent.))	

Henry Clairmont, through counsel, appeals a lower court decision that makes Michelle Edmo the primary custodian caretaking parent of the above named child. This Court cannot proceed with this appeal because it was not properly filed.

On July 11, 2011 attorney for the Petitioner, Henry Clairmont, filed a Notice of Appeal. That Notice was filed and stamped into the lower court. Rule 1 of the Confederated Salish and Kootenai Code very specifically dictates how and where a Notice of Appeal should be filed (in full, with emphasis added):

- (1) An appeal shall be taken by filing a notice of appeal with the Appellate Administrator, with a copy to the Clerk of the Tribal Court within 20 days of the date of the final judgment or order of the trial court. Failure of an appellant to timely file a notice of appeal is ground for dismissal of the appeal.
- (2) Appeals may be consolidated by order of the Court of Appeals upon its own motion or upon motion of a party, or by stipulation of the parties to the several appeals.
- (3) The notice of appeal shall specify the party or parties taking the appeal, and shall designate the judgment, order, or part of either appealed from.
- (4) The Appellate Administrator shall serve notice of the filing of a notice of appeal by mailing a copy thereof, together with a copy of the Rules of Appellate Procedure to counsel of record for each party other than the appellant, or, if a party is not represented by counsel to the party at his last known address. The Administrator shall note on each copy served the date on which the notice of appeal was filed. If an appellant is represented by counsel, such counsel shall provide the Administrator with sufficient copies of the notice of appeal to permit the Administrator to comply with the requirements of this rule. Failure of the Administrator to serve notice shall not affect the

validity of the appeal. The Administrator shall note in the appellate docket the names of the parties to whom copies have been mailed, with the date of mailing.

Mr. Clairmont only filed his appeal with the lower court. No filings were made with the Appellate Court and this case was not on the docket because this Court had no notice of it until the lower court transmitted the record. The Rules of Appellate Procedure are very clear; especially Rule 1, which says that a proper appeal must begin with a filing to the Appellate Court administrator. The Rules do not allow this Court to take jurisdiction over a matter that did not get filed properly.

ORDER

The Notice of Appeal was not filed with the Appellate Court as mandated by Rule 1 of the Rules of Appellate Procedure.

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

IT IS SO ORDERED THIS 22^{nd DAY} OF NOVEMBER, 2011.

Cc: Thane Johnson, Attorney for Ed

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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 23rd day of November, 2011.

Thane Johnson Johnson, Berg, McEvoy & Bostock, PLLP Box 3038 Kalispell, MT 59903-3038

Robert J. Long Long Law Office, P.C. 311 2nd St. E. Polson, MT 59860

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

Abigail Dupuis

Appellate Court Administrator