

INSTRUCTIONS FOR APPELLEE'S STATEMENT OF ISSUES AND DESIGNATION OF RECORD

Hey, I won at the trial court level why should I appeal any issues? It is important for an Appellee to appeal an adverse ruling or an adverse admission of evidence by the Tribal Court because if the case is remanded by the Supreme Court back to the Tribal Court for a new trial or hearing and you did not appeal the adverse ruling or admission will stand and be considered valid and cannot be challenged by you if there is retrial ordered by the Supreme Court. If you lose the retrial and you appeal you cannot bring up the adverse rulings you could have appealed in the first appeal brought by the Appellant because you failed to file a statement of issues to review those rulings in the first appeal by the Appellant.

Rule 6 gives the Appellee (the party that did not file the original appeal) 15 days after the Appellant's designation of record is served on Appellee to file an Appellee's Statement of Issues and Designation of Record for any issues the Appellee wants reviewed by the Supreme Court and to request any documents or transcripts the Appellee wants included in the appellate record.

Use the **Appellee's Statement of Issues and Designation of Record** form found in the packet if you are the Appellee (the party that did not file the appeal) and there are issues want to appeal where you feel the Tribal Court erred. The Supreme Court will only review the Appellate Record that you ask for in your Appellee's Statement of Issues and Designation of record that consists of transcripts of hearings and trials, papers filed in court, pleadings, exhibits and court rulings and orders requested. Any these items you fail to request in the Appellee's Statement of Issues and Designation of Record will not be reviewed by the Supreme Court and could cause you to lose your appeal.

So you will need to itemize the rulings, findings of fact and conclusions of law made by the Court you want reviewed by the Supreme Court. You can appeal a variety of issues. They can include a finding of fact or conclusion of law made by the Tribal Court in its Findings of Fact and Conclusions of Law, any court orders and any rulings made by the Tribal Court. Some examples of legal errors that can be made by the Court include: whether the Tribal Court improperly admitted or excluded evidence, whether there was insufficient evidence to support the verdict, any procedural mistakes made by the Tribal Court (how the jury was selected or how the trial was conducted), whether the Tribal Court applied the wrong rule or legal standard, or your Constitutional rights were violated. An example of the Tribal Court making an error regarding the facts is when the factual findings supporting the verdict are against the weight of the evidence. Give a brief statement for each ground on how the Court erred.

In your designation of record you will need to itemize all pleadings, papers, orders and judgments and findings of fact and conclusions of law made by the Tribal Court that you want to be a part of the appellate record or supports your appeal or contain errors by the Court. Always request the Court's Final Judgment and Findings of Fact and Conclusions of Law that the final judgment or order is based on and for each non-final order and/or judgment you request. Please be as specific as possible what pleading, paper, order, judgment and findings of fact and conclusions of law you want to be a part of the appellate record. Also indicate the date of each pleading, paper, order or

judgment and findings of fact to help the Clerk identify and make part of the appellate record. Here is an example: 1. Final Judgment and Findings of Fact and Conclusions of Law dated April 2, 2022; 2. Order Denying Motion to Suppress Evidence and Findings of Fact dated February 10, 2022; 3. Motion to Suppress Evidence dated January 8, 2022; 4. All pleadings by both parties.

You will also need to itemize any parts of transcriptions of any hearings requested in the Designation of Record that you want to be part of the appellate record. A transcription of a trial or hearing is a typed transcript of recordings of what was said at the trial or hearings, what evidence was introduced and any oral rulings made by the Tribal Court on the record you want to appeal. You are required to include the date, time and name of hearing in your designation of record. Here is an example: 1. The trial held on April 2, 2022; 2. Hearing on Motion to Suppress Evidence held on February 10, 2022.

After the Appellee's Statement of Issues and Designation of Record and the Appellant's Designation of Record has been filed with the Clerk of the Tribal Court, the clerk will then transmit only those portions of the record indicated by the parties that will include a table of contents indicating the names and dates of all documents included chronologically. This would include all documents and orders requested in the Designation of Record and transcriptions of any hearings requested in the Designation of Record.

Failure to request any Transcripts of hearings and trials, papers filed in court, pleadings, exhibits and court rulings and orders will result any such items not being included in the appellate record and won't be reviewed by the Supreme Court and could cause you to lose your request for the Supreme Court to review your issues.

INSTRUCTIONS FOR FILLING OUT THE FORM. To fill out the attached form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form.

Instructions for filling out the Appellee's Statement of Issues and Designation of Record:

- (1) on this line insert the name of the party who was the plaintiff in the case at the trial court level, it will either be you or the other party. Look at a case caption of the trial court pleadings to determine who the plaintiff is.
- (2) on this line insert Appellant if the plaintiff is the party that filed the appeal or insert Appellee if the defendant is the party that filed the appeal
- (3) on this line insert the name of the party who was the defendant in the case at the trial court level, it will either be you or the other party. Look at a case caption of the trial court pleadings to determine who the defendant is.
- (4) on this line insert Appellant if the defendant is the party that filed the appeal or insert Appellee if the plaintiff is the party that filed the appeal
- (5) on this line insert your name
- (6) on this line itemize your assignments of error. These are the issues, rulings, findings of fact and conclusions of law made by the Court you want reviewed by the Supreme Court. You can appeal a variety of issues. They can include a finding of fact or conclusion of law made by the Tribal Court in its Findings of Fact and Conclusions of Law, any court orders and any rulings

made by the Tribal Court. Some examples of legal errors that can be made by the Court include: whether the Tribal Court improperly admitted or excluded evidence, whether there was insufficient evidence to support the verdict, any procedural mistakes made by the Tribal Court (how the jury was selected or how the trial was conducted), whether the Tribal Court applied the wrong rule or legal standard, or your Constitutional rights were violated. An example of the Tribal Court making an error regarding the facts is when the factual findings supporting the verdict are against the weight of the evidence. Give a brief statement for each ground on how the Court erred

(7) on this line insert and itemize all pleadings, papers, orders and judgments and findings of fact and conclusions of law made by the Court that you want to be a part of the appellate record or supports your appeal or contain errors by the Court. Always request the Court's Final Judgment and Findings of Fact and Conclusions of Law that the final judgment or order is based on and for each non-final order and/or judgment you request. Please be as specific as possible what pleading, paper, order, judgment and findings of fact and conclusions of law you want to be a part of the appellate record. Also indicate the date of each pleading, paper, order or judgment and findings of fact to help the Clerk identify and make part of the appellate record. Here is an example: 1. Final Judgment and Findings of Fact and Conclusions of Law dated April 2, 2022; 2. Order Denying Motion to Suppress Evidence and Findings of Fact dated February 10, 2022; 3. Motion to Suppress Evidence dated January 8, 2022; 4. All pleadings by both parties.

(8) on this line insert and itemize any parts of transcriptions of any hearings requested in the Designation of Record you want to be part of the appellate record. A transcription of a trial or hearing is a typed transcript of recordings of what was said at the trial or hearings, what evidence was introduced and any oral rulings made by the Tribal Court on the record you want to appeal. You are required to include the date, time and name of hearing in your designation of record. Here is an example: 1. The trial held on April 2, 2022; 2. Hearing on Motion to Suppress Evidence held on February 10, 2022.

(9) on this line insert the date you sign the designation of record

(10) on this line sign the designation

Note: Your designation of record must be signed and dated before the Clerk can accept it for filing and service

(11) on this line insert all the parties to the action by name and last known address you mailed a copy of the designation to each party.

(12) on this line date the day you mailed a copy of the designation to all opposing parties. You are required to serve a copy of the designation to all opposing parties

(13) on this line sign your name to certify you mailed a copy of the designation on date you inserted on line (12).

SUPREME COURT
OF THE
ROSEBUD SIOUX TRIBE

<p>(1) _____ _____, Plaintiff and (2) _____</p> <p>v.</p> <p>(3) _____ _____, Defendant and (4) _____</p>	<p>SC# _____</p> <p>APPELLEE'S STATEMENT OF ISSUES AND DESIGNATION OF RECORD</p>
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Appellee (5) _____ pursuant to Rule 6 of the Procedures of Appellate Procedures hereby files its appellee's statement of issues and designation of record for pleadings, papers and the date, time and portion of any Tribal Court proceeding the Appellant requests be transcribed for the purpose of the appeal:

1. Appellee files its statement of issues itemized as:

- (6) _____
- _____
- (6) _____
- _____
- (6) _____
- _____
- (6) _____
- _____
- (6) _____
- _____

2. That Appellant designates the following pleadings, papers and orders/judgments of the Tribal Court for appeal:

- (7) _____
- _____
- _____
- _____
- _____
- _____
- _____

3. That Appellant designates the following Tribal Court proceeding the Appellant requests be transcribed for the purpose of the appeal:

(8) _____

_____.

(9) _____

(10) _____
Appellee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on I mailed a true and correct copy of this Appellee's Statement of the Issues and Designation of Record upon Appellant(s) last known address(es) by first class mail addressed to the following: (11) _____

_____.

(12) _____

(13) _____
Appellee