

## **INSTRUCTIONS AND DESIGNATION OF RECORD**

Rule 6 requires the Appellant (the party filing the appeal) to file a Designation of Record when the Appellant files their the notice of appeal. Failure to file a Designation of Record with a Notice of Appeal will result in you losing your appeal or even dismissal of appeal.

The Supreme Court will only review the Appellate Record that you request in the Designation of Record and can consist of transcripts of hearings and trials, papers filed in court, pleadings, exhibits and court rulings and orders requested in the Designation of Record filed by the Appellant. Any of these items you fail to request in the Designation of Record will not be reviewed by the Supreme Court and could cause you to lose your appeal.

You must file a Designation of Record with the Clerk of the Tribal Court along with the Notice of Appeal and it must contain a Certificate of Service indicating service on all parties to the action and the date and manner of service.

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 appeal.

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.

There is a designation of record form in the packet for your use.

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.

**CAUTION:** Rule 6 requires you to file a designation of record with your notice of appeal. Failure to file a designation of record with your notice of appeal could result in dismissal of your appeal or loss of your appeal.

**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 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 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.

(7) 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.

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

(9) 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

(10) 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.

(11) 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

(12) on this line sign your name to certify you mailed a copy of the designation on date you inserted on line (11).

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>DESIGNATION OF RECORD</p>
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Appellant (5) \_\_\_\_\_ pursuant to Rule 6 of the Procedures of Appellate Procedures hereby files its designation of record the following pleadings, papers and includes the date, time and portion of any Tribal Court proceeding the Appellant requests be transcribed for the purpose of the appeal:

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

(6) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

(7) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(8) \_\_\_\_\_

(9) \_\_\_\_\_  
Appellant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on I mailed a true and correct copy of this designation of record upon Appellant(s) last known address(es) by first class mail addressed to the following:  
(10)\_\_\_\_\_

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(11)\_\_\_\_\_

(12)\_\_\_\_\_  
Appellant