

SUPREME COURT
OF THE
ROSEBUD SIOUX TRIBE



Rosebud Sioux Tribe Plaintiff/Appellee, v. BBC Enterprise, et el. Defendant/Appellant.	CA 10-03 MEMORNADUM OPINION AND ORDER
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This matter came before the Court on Administrative Review of files. Several files were no action has been taken were reviewed at the Court's annual meeting.

It appears from the records in the file herein that on May 3, 2010 Appellant's advocate, O.J. Semans, filed a Motion for Interlocutory Appeal with the trial court which was denied. On May 28, 2010 Appellant's counsel, Steven Emery, filed a direct appeal to this Court of Judge Marshall's denial of Appellant's Motion to Dismiss.

The Court finds that the Motion for Interlocutory Appeal was improper in that Appellant brought the motion before the Presiding Judge of the lower court rather than the Presiding Justice of this Court as required by Rule 2 of the Rules of Procedure of the Supreme Court of the Rosebud Sioux Tribe.

The Court also finds that Appellant's attempt to file a direct appeal to this Court of a non-final order was improper under Rule 2 for appealing non-final order and not moving for nor requesting an Interlocutory Appeal.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Appellant's appeal in this matter is hereby dismissed for failure to follow appellate procedures and for the above stated reasons.

Dated this 11th day of January, 2013.

BY THE COURT:

/s/Frank Pommersheim
Frank Pommersheim
Associate Justice

/s/Charles Abourezk
Charles Abourezk
Associate Justice

/s/Pat Donovan
Pat Donovan
Associate Justice