

IN THE COURT OF APPEALS
FOR THE
ROSEBUD SIOUX TRIBE

CA 88-06

ROSEBUD HOUSING AUTHORITY,

Plaintiff and Appellee,

v.

ARLENE BRANDIS, and MARVIN
BRANSI, Jointly and Severally,

Defendant and Appellants,


O R D E R

This case having received complete appellate review based upon the motion to dismiss appeal, and the Court having issued opinion and being fully advised in the premises, it is hereby

ORDERED AND ADJUDGED, the judgment of the Trial Court be, and the same is hereby, affirmed, and this case is remanded to the Trial Court for further proceedings consistent with the Court's opinion.

Dated this 8th day of February, 1989.

BY THE COURT:

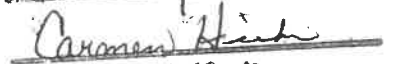

Ramon A. Roubideaux
Acting Chief Justice

ATTEST:


Appellate Clerk
(SEAL)

FILED
In the
ROSEBUD SIOUX TRIBAL COURT OF APPEALS

The undersigned Clerk of the Rosebud Sioux Tribal Court of Appeals hereby certifies that this document was received and entered on the docket in the above-entitled action by this Court on the 8 day of February, 1989.


Clerk of Courts

IN THE COURT OF APPEALS
FOR THE
ROSEBUD SIOUX TRIBE

ROSEBUD HOUSING AUTHORITY,

Plaintiff and Appellee,

v.

ARLENE BRANDIS, and MARVIN
BRANDIS, Jointly and Severally,

Defendants and Appellants,

APPEAL FROM THE ROSEBUD
SIOUX TRIBAL COURT OF THE
ROSEBUD SIOUX TRIBE

HONORABLE JANEL Y. SULLY
Presiding Judge

JOHN O. HOLM
4447 S. Canyon Road - #2
Rapid City, South Dakota 57702

Attorney for Plaintiff
and Appellee.

JOHN J. SIMPSON
P.O. Box 1712
Winner, South Dakota 57580

Attorney for Defendants
and Appellants.

OPINION FILED 2-8-89

Case # CA88-04

ROUBIDEAUX, Chief Justice

Defendants-Appellants appealed to this Court from an interlocutory order of the trial judge denying a Motion to Dismiss alleging lack of jurisdiction.

Plaintiff-Appellee has raised the issue of whether or not the Court should entertain this so-called interlocutory appeal when it may be fully reviewed after final judgment is entered.


Even though there is ample authority such interlocutory appeals are not immediately appealable, where they may be fully reviewed following final resolution of the case in chief, we have recently amended our rules to make our decision in this case without question.

Notice of Appeal was filed on October 24, 1988, which was more than one month after amendment and adoption of the new Procedure for the Rosebud Sioux Tribal Court of Appeals on September 19, 1988. Rule 2, as amended, provides as follows:

"RULE 2 No interlocutory appeals shall be allowed in either criminal or civil matters unless expressly authorized by the Presiding Justice. The decision of whether or not to accept interlocutory appeals shall be based upon the findings of fact, conclusions of law and ruling entered by the Tribal Judge upon the Appellant's Motion to file an interlocutory appeal."

Since Rule 2 was not followed by Appellants this interlocutory appeal cannot be considered at this time.

The order of the tribal court is affirmed and this case is remanded to the trial court for further proceedings.


RAMON A. ROUBIDEAUX
Chief Justice