

ROSEBUD SIOUX SUPREME COURT )  
ROSEBUD SIOUX INDIAN RESERVATION ) SS  
ROSEBUD, SOUTH DAKOTA )

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LLEWELLYN WRIGHT, )  
Plaintiff/Appellee, )  
vs. )  
WHITNEY JONES, )  
MONICA HUNGER JONES, )  
Defendants/Appellants )

CA2024-02  
MEMORANDUM OPINION  
AND ORDER

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PER CURIAM (Justices Pommersheim, Shelton, and Simmons). The issue in this case involves whether Appellants Whitney Jones and Monica Hunger Jones are financially liable for repairs for damages to a pickup truck owned by Appellee Llewellyn Wright. The court below found the damages to have been caused when Appellee’s vehicle struck a calf owned by Appellants as Appellee was travelling down a country road on the Rosebud Sioux Indian Reservation. On December 8, 2023, the trial court below heard the testimony of the plaintiff Llewellyn Wright and his two witnesses, Thomas Wright and Kevin Hunger, and also received into evidence a written estimate of damages prepared by Frontier Motors Paint and Body and a photo of the front of the pickup truck. The defendants Whitney Jones and Monica Hunger Jones did not call any witnesses and submitted no written evidence. The trial court entered a Judgment and Order dated February 6, 2024, in favor of the plaintiff in the amount of \$2,086.61. Appellants filed a notice of appeal and the timeliness of that filing was not at issue.

The parties appeared in person for oral argument before this Court on September 18, 2024.<sup>1</sup> The oral argument of the parties was received by the court via video teleconference and telephone. During oral argument, appellants stated their disagreement with the conclusions of the lower court, and pointed out how they disagreed with the weighting and interpretations of the evidence that led to the trial court decision. They also attempted to bring several arguments that are not in the record before us. However, as an Appellate Court, our duty is not to retry the case or to take in new evidence or arguments. We are not even authorized to do so. We are limited to the evidence that is already in the record. We are unable to reevaluate the evidence in the record. The trial court was the proper forum to determine how credible and convincing it found all evidence presented by both parties. A trial court is where the parties have full opportunity to present all of their arguments for how the case should be decided, as well as all of their evidence, including calling and cross-examining witnesses.

An appeal does not allow parties another chance to present their arguments about the dispute addressed in the trial court, or to present new evidence or explain why they did not bring other evidence at trial. Our only responsibility and authority on appeal is to determine whether a conclusion reached by the court below is not supported by the evidence in the record or whether some mistake of law occurred at trial. In this case, we are limited to determining whether the court below erred by reaching a conclusion that is not supported by the evidence. We are not allowed to re-weigh or re-examine any evidence in the record, or to take new evidence. The record shows that there was sufficient evidence to support the conclusion reached by the trial

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<sup>1</sup> There were several difficulties in scheduling before oral arguments could actually be held in this matter. This Court wishes to acknowledge each of the parties for their cooperation through the rescheduling, in order to make oral arguments possible.

court. Therefore, we have no option but to affirm that decision. We hereby affirm the decision of the court below in this matter.

IT IS SO ORDERED.

FOR THE COURT



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Associate Justice Brett Lee Shelton

Dated this 26th day of September, 2024.