

APR 14 2004

AMT
Clerk of Court/Assistant

IN THE
HO-CHUNK NATION SUPREME COURT

VERONICA L. WILBER,

ORDER DENYING APPEAL

Appellant,

v.

SU 04-02

HO-CHUNK NATION,

Appellee.

This matter came before the full Court on March 10, 2004. Associate Justice Mark D. Butterfield, Associate Justice Jo Deen B. Lowe and Mary Jo B. Hunter, Chief Justice, presiding.

STATEMENT OF THE CASE

This case is an appeal of an *Order Modifying and Enforcing Child Support*. The Ho-Chunk Nation Trial Court, Honorable William Bossman had entered an *Order* in CV 96-54 on January 15, 2004, which establishes the conditions and date for implementation of the support order.

Appellant, Veronica L. Wilber appeals the Trial Court's Decision. On February 17, 2004, Appellant Veronica L. Wilber filed her *Notice of Appeal*. This Court reviewed the handwritten request of the Appellant to appeal the decision of the Trial Court.

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DECISION

The HO-CHUNK NATION CONSTITUTION provides that “[A]ny party to a civil action...who is dissatisfied with the judgment or verdict may appeal to the Supreme Court.” HCN CONST., ART. VII, § 14. Appeals are not automatically a matter of right but are within the Court’s discretion. The *HCN R. App. P.* provide the guidelines as to how parties file an appeal.

In this instance, Ms. Wilber untimely filed her appeal. The time limit for filing the appeal ran on February 16, 2004. She hand-delivered her *Notice to Appeal*, which was stamped as filed on February 17, 2004. The Ho-Chunk Nation Courts were open for business on February 16, 2004. In this matter, had Ms. Wilber timely filed her *Notice of Appeal*, this Court was not presented with information, which would permit it to conclude that there was an actual legal issue.

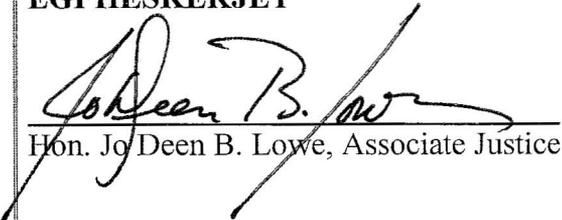
This Court has previously stated in *Deena Basina v. William P. Smith*, SU 00-08 (HCN S. Ct. July 13, 2000), that it will deny an appeal where it is unable to discern a legal issue in the party’s pleading of an appeal notice. Ms. Wilber stated in her notice that she found “the Court ‘Orders’ to be unsatisfactory.”

Due to the fact that this matter was not timely filed pursuant to *HCN R. App. P.*, this Court must deny the Appeal.

For the foregoing reasons, this appeal is **denied**.

Dated this 14th day of April, 2004.

EGI HESKEKJET



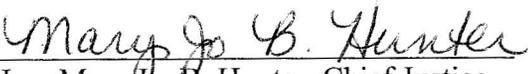
Hon. Jo Deen B. Lowe, Associate Justice

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Hon. Mark D. Butterfield, Associate Justice



A handwritten signature in black ink, appearing to read "Mary Jo B. Hunter", written over a horizontal line.

Hon. Mary Jo B. Hunter, Chief Justice

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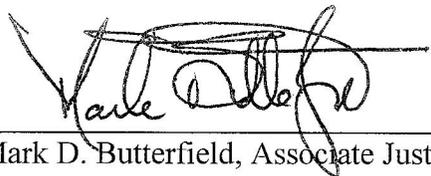
Dated this 14th day of April, 2004.

EGI HESKEKJET



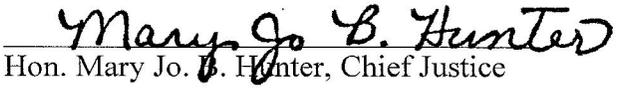
Hon. Jo Deen B. Lowe, Associate Justice

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Hon. Mark D. Butterfield, Associate Justice



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Hon. Mary Jo. B. Hunter, Chief Justice

FILED
IN THE HO-CHUNK NATION
TRIAL/SUPREME COURT

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Clerk of Court/Assistant

CERTIFICATE OF SERVICE

I, Anne M. Thundercloud, Clerk of the Ho-Chunk Nation Supreme Court, do hereby certify that on the date set forth below I served a true and correct copy of the ORDER file in Case No. SU-04-02 upon all persons listed below:

By United States Postal Service:

Hon. Mary Jo B. Hunter
HCN Supreme Court Chief Justice
4 Linter Court N.
St. Pau7l, MN 55106

Hon. Jo Deen B. Lowe
HCN Supreme Court Justice N5710 Hwy 12/16
New Lisbon, WI 53950

Veronica L. Wilber
6454 Hemlock Rd.
Vesper, WI 54489

By Personal Service:

Hon. Mark Butterfield
HCN Supreme Court Justice
1021 Ellen Drive
Tomah, WI 54660

Michael Murphy
HCN Dept. of Justice
P.O. Box 667
Black River Falls, WI 54615

Hon. William Bossman
HCN Trial Court
P.O. Box 70
Black River Falls, WI

Date: April 14, 2004

Anne M. Thundercloud
Anne M. Thundercloud