

FILED
IN THE HO-CHUNK NATION
SUPREME COURT
MAR 16 2001
J. Pettibone
Clerk of Court/Assistant

IN THE
HO-CHUNK NATION SUPREME COURT

Bonnie Smith,
Appellee,

v.

ORDER DENYING APPEAL
Case No. SU01-03

Ho-Chunk Nation Gaming Commission,
Appellant.¹

This matter came before the full Court on Saturday, March 10, 2001. The Ho-Chunk Nation (hereinafter HCN) Gaming Commission, by and through their counsel, Michael P. Murphy, filed *Appellant's Article VII, Sec. 14 Appeal* on February 26, 2001. The Appellee did not file any responsive pleadings. The Appellant's attorney did not file a written brief in support of his appeal as is required by the HCN Rules of Appellate Procedure, Rule 11. Appellant's brief was due on March 8, 2001.

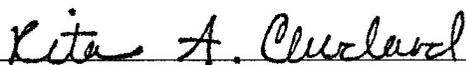
Based upon the record, this Court hereby denies the appeal pursuant to Article VII, Section 14 of the HCN Constitution. Section 14 is an enumerated or express power of the HCN Constitution that confers the right to appeal on any party to a civil action or a defendant in a criminal action. However, that power is circumscribed by the procedures set out in the HCN Rules of Appellate Procedure. An appealing party has the right to appeal; however, the procedure by which a party appeals an action is set out by the rules established by this Court. The Supreme Court is empowered by the HCN Constitution "to establish written rules for the Judiciary..." HCN Const., Art. VII, Sec.7 (b). Therefore, any party who seeks an appeal must abide by the procedural rules established by this Court in the HCN Rules of Appellate Procedure.

¹ The Court notes that the HCN Rules of Appellate Procedure, Rule 7(b)(2) states that the name of the case shall be the same as the heading used in the lower court. Counsel must comply with the HCN Rules of Appellate Procedure in this regard.

In addition to the above stated reason, this Court has granted an appeal on this matter in SU01-02 on March 12, 2001. The acceptance of the appeal in SU01-02 renders this request moot.

The *Appellant's Article VII, Sec. 14 Appeal* is hereby **denied**.

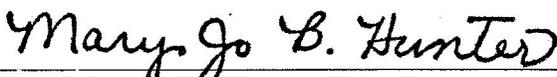
EGI HESKEKJET. Dated this 16th day of March 2001.



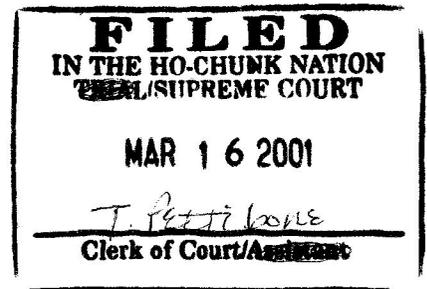
Hon. Rita A. Cleveland, Associate Justice



Hon. Debra C. Greengrass, Associate Justice



Hon. Mary Jo B. Hunter, Chief Justice
Ho-Chunk Nation Supreme Court



CERTIFICATE OF SERVICE

I, Tari Pettibone, 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 Denying Appeal file in Case No. SU01-03 By the United States Postal Service, upon all person listed below:

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Hon. Debra Greengrass
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Hon. Mary Jo Brooks Hunter
4 Linder Court N.
St. Paul, MN 55106

Hon. Rita Cleveland
367 River Street
Black River Falls, WI 54615

Indian Law Reporter
319 McArthur Blvd.
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Date: March 16, 2001

Tari Pettibone
Tari Pettibone, Clerk of Court
Ho-Chunk Nation Supreme Court