

IN THE  
HO-CHUNK NATION SUPREME COURT

**FILED**  
IN THE HO-CHUNK NATION  
TRIAL SUPREME COURT

JUL 13 2000

*Lou Swallow*  
Clerk of Court Assistant

**Deena M. Basina,**  
Appellee,

vs.

**ORDER DENYING APPEAL**

**William P. Smith,**  
Appellant.

Case No. SU00-08

This matter came before the full Court by telephone conference on Thursday, July 6, 2000. The Court reviewed the Notice of Appeal filed on June 19, 2000 by William P. Smith. Although the dates would indicate a lack of timeliness, the Appellant, Mr. Smith, was notified of a deficiency on May 24, 2000. He was allowed additional time to correct the deficiency which was the lack of a filing fee. On June 12, 2000, Mr. Smith was forwarded an Affidavit and Order Waiving Payment of Filing Fees and Costs. This Court grants the waiver of the filing fee which Mr. Smith requested on June 19, 2000 when he filed the completed form. Although the Appellee called the HCN Supreme Court Clerk on June 30, 2000 to determine the status of the appeal, Ms. Basina did not file any responsive pleadings as of July 6, 2000.

The HCN Rules of Appellate Procedure require that any notice of appeal should include a brief statement of the basis for the appeal. Mr. Smith states that he wishes to file an appeal because he does not believe that he should pay child support "for a child [he] don't know or see". In addition, Mr. Smith stated as a basis for the appeal that he is contemplating relinquishment of his tribal membership. Although Mr. Smith may assert his views, they are not sufficient reasons for this Court to accept an appeal. Mr. Smith's assertions would have been more appropriately addressed in the trial court proceeding which heard the Motion to Register and Enforce a Foreign

Judgment or Order. If Mr. Smith had done so, the Trial Court Judge could have based his May 5, 2000 Judgement on Mr. Smith's assertions as well as the request of Ms. Basina. It is not appropriate for this Court to address factual issues such as in-kind contributions as alleged in the Notice of Appeal.

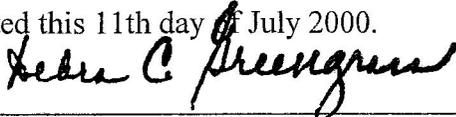
Mr. Smith was informed by the Trial Court Judge, Hon. Mark Butterfield, that he could petition the HCN Trial Court for reconsideration. Mr. Smith chose to forego that course of action in the court below. However, this Court is required to accept appeals which state an appealable issue. This Court was unable to discern a legal issue in Mr. Smith's appeal request. Therefore, the appeal request must be denied.

This Court hereby ORDERS:

1. That the Notice of Appeal is denied.

IT IS SO ORDERED. EGI HESKEKJET.

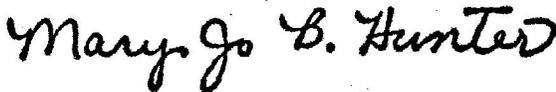
Dated this 11th day of July 2000.



Hon. Debra C. Greengrass, Associate Justice



Hon. Rita A. Cleveland, Associate Justice



Hon. Mary Jo B. Hunter, Chief Justice  
HCN Supreme Court

## CERTIFICATE OF SERVICE

I, Lori Swallow, Clerk of the Ho-Chunk Nation Supreme Court do hereby certify that on the date set forth below I served a true and corrected copy of the attached paper filed in Case No. SU00-08 (CS 98-53) by the United States Postal Service, upon all person listed below:

Deena Basina  
1284 Elm Apt 3  
Green Bay, WI 54301

William P. Smith  
C/o Leila Gauthier  
HCI Box 81  
Neopit, WI 54150

Justice Rita Cleveland  
HCN Supreme Court  
367 River Street  
Black River Falls, WI 54615

Justice Debra Greengrass  
HCN Supreme Court  
6200 Locust Street  
Milwaukee, WI 53210

Justice Mary Jo Brooks Hunter  
HCN Supreme Court  
4 Linder Court  
Saint Paul, MN 55106

Date: July 13, 2000



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Lori Swallow, Clerk of Court  
Ho-Chunk Nation Supreme Court