



# NHBP TRIBAL COURT

NOTTAWASEPPI HURON BAND OF THE POTAWATOMI

2221 1 ½ MILE RD. • FULTON, MI 49052

P: 269.704.8404 • F: 269.729.4826 - ORI NO. MID10077J

**THE PRO SE LITIGANT GUIDE TO**  
**PRESENTING APPEALS TO THE**  
**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI**  
**SUPREME COURT**

Published by:  
Hon. Gregory D. Smith, Chief Justice  
Nottawaseppi Huron Band of the Potawatomi Supreme Court  
August 10, 2018

*\*This Guide should not be considered legal advice and cannot be cited as legal authority. It is not a substitute for hiring an attorney and anyone presenting an appeal is invited to seek legal counsel.\**

**THE PRO SE LITIGANT GUIDE TO PRESENTING APPEALS  
TO THE SUPREME COURT**

**TABLE OF CONTENTS**

<b>I. The Concept Behind Appellate Review.....</b>	<b>2</b>
<b>II. The Court Members.....</b>	<b>3</b>
<b>III. The Seven Grandfathers Teaching.....</b>	<b>4</b>
<b>IV. Glossary of Terms.....</b>	<b>5</b>
<b>V. Frequently Asked Questions.....</b>	<b>11</b>
<b>VI. Where Filings are Mailed .....</b>	<b>13</b>
<b>VII. How to Seek an Appeal .....</b>	<b>13</b>
<b>VIII. Researching and Arguing an Appeal .....</b>	<b>13</b>
<b>IX. The Appellate Record .....</b>	<b>14</b>
<b>X. Briefs.....</b>	<b>14</b>
<b>XI. The NHBP Supreme Court’s Ruling.....</b>	<b>14</b>
<b>XII. Conclusion.....</b>	<b>15</b>
<b>Appendix A – Notice of Appeal Form.....</b>	<b>16</b>
<b>Appendix B – Format for <i>Pro Se</i> Appellant’s Brief .....</b>	<b>17</b>

## **I. THE CONCEPT BEHIND APPELLATE REVIEW**

An appeal is designed to determine if the lower court (a/k/a “trial court”), in this case the tribal court which heard the case, correctly applied the law and whether the trial court and/or jury found and applied the facts of the case in a reasonable manner. An appeal is not a retrial of the case, but instead seeks to make sure the trial was held fairly. Even if the appellate court might have ruled differently from the trial court if it was conducting the trial, when the facts found by the judge or jury can reasonably be supported by the evidence presented at trial, an appeal court will not “second-guess” the factual findings from the trial court. On the other hand, an appellate court will review the legal findings of the trial court, (how the trial court applied the statute or ordinance in question), “*de novo*” which means the trial court’s interpretation of a statute or ordinance is not binding on the appellate court.

There are certain rules which normally apply to appeals. The first, and most important rule, is the *rebuttable* presumption that whichever person or party won at the trial court level should prevail on appeal. It is the burden of the person or party who is appealing the trial court’s decision, called the “Appellant,” to show two things: 1) an error was made during the trial, and 2) the error that occurred at trial, whatever that error may be, must have affected the outcome of trial. An error at trial that didn’t adversely impact the outcome of a trial is called “harmless error.” An extreme example of harmless error is the movie clips from the shooting of President John F. Kennedy. In one clip, shortly before President Kennedy was shot, a police officer crossed the street about a block ahead of President Kennedy’s car without crossing at the corner, an illegal act

commonly called “jaywalking.” While jaywalking is illegal, the police officer’s act of jaywalking had nothing to do with President Kennedy’s death. The jaywalking was harmless error.

A second important appellate rule is that the anything discussed on appeal must be “on the record.” What this means is if a factual point wasn’t discussed at the trial court, it cannot be discussed on appeal because the unmentioned point would be “off the record.” Consider this concept to be like looking at a photograph. The photograph was taken and developed at the trial court. On appeal, the Supreme Court cannot add or subtract anything related to that photograph. The Supreme Court merely reviews the photograph taken by the Trial Court and determines if it was correctly developed.

An appellate court is designed to ensure that the structure of the case is fundamentally fair. If an appellant wants to prevail on appeal, the appellant must show both trial error and that the error probably changed the outcome of the trial. While the Supreme Court can completely overturn, dismiss or rewrite the trial court’s decision, the most likely outcome if an appellant prevails on appeal is for the case to be sent back to the trial court for a new trial. This is called a “remand.” An appellant should always be sure to tell the appellate court exactly what outcome the appellant is requesting from the NHBP Supreme Court.

## **II. THE COURT MEMBERS**

The NHBP Supreme Court consists of three {3} members. These justices were appointed by the NHBP Tribal Council, but the Court acts independently from the NHBP Tribal Council. Appellate justices of the NHBP Supreme Court have legal experience

and law degrees. Absent extraordinary circumstances, the decision by the NHBP Supreme Court will be the last court to review the case currently on appeal.

The NHBP Supreme Court also has a Tribal Court Administrator. Ms. Holly Curtis presently serves as Tribal Court Administrator. The Tribal Court Administrator can help with filing papers, providing forms and scheduling court dates. Neither the NHBP Supreme Court nor the Tribal Court Administrator of the NHBP Supreme Court can, or will, give litigants legal advice. If legal advice is needed, consider contacting an attorney.

### **III. THE SEVEN GRANDFATHERS TEACHINGS**

NHBP courts apply a unique aspect of equity called *Mno Bmadzewen*, which means that humility and respect for all mankind shall apply to all matters addressed within tribal law. As explained by the NHBP Supreme Court, “*Mno Bmadzewen* is not a legal doctrine, but forms the implicit basis for much of tribal custom and tradition, and serves as a form of fundamental law.” [*See, Spurr v. NHBP Tribal Council*, Appeal No. 12-0005AP (2/21/2012) at page 6]. This concept and guiding principals of NHBP law is explained as “*The Seven Grandfathers Teachings*,” which directs NHBP tribe members to honor tradition and the inherent rights of others through *Love, Respect, Bravery, Truth, Honesty, Humility, and Wisdom*. This concept tells this Honorable Court to consider whether, or not, a decision is “legally correct,” *but further*, is a decision in the best interest of both the people of NHBP as a whole and individuals involved in a case. This concept is just one of the many examples of how NHBP exercises its inherent tribal sovereignty differently from our friends living in the non-tribal world.

#### **IV. GLOSSARY OF TERMS**

- Abuse of Discretion:** *See* “Standard of Review.”
- Affirm:** When an appeals court upholds, confirms or agrees with the decision decided by the trial court.
- Amicus:** Friend of the Court. A third party that is not a party to the case, but has a position they believe would help the appellate court decide the pending appeal. *See* Chapter 9, Section 12(E) of the NHBP Rules of Appellate Procedure for information regarding *amicus* briefs.
- Appeal:** The request by a litigant who lost at the trial court to have another, higher, court to review the trial court’s decision to see if the decision made by the trial court was correct or should be modified in some manner. A “higher court” does not mean “better court.” An appellate court merely has a different job function than a trial court. A form notice of appeal can be found at “Appendix A” to this Guide. *See* Chapter 9, Section 6 of the NHBP Rules of Appellate Procedure for information regarding how to seek an appeal.
- Appellant:** The party appealing a decision from the trial court. The Court Rules provide the following definition: “*Appellant*” means the party filing the appeal.
- Appellee:** The party that usually won at the trial court. The Court Rules do not define “Appellee”, but rather, “Respondent” (“Respondent” means the party responding to the appeal”).
- Band, Nation & Tribe** “Band”, “Nation”, and “Tribe” are synonymous and mean the Nottawaseppi Huron Band of the Potawatomi (NHBP).
- Brief:** A written argument setting out the position of a party. The Appellant’s brief is filed first and sets out why the trial court was in error for its decision. The Appellee’s brief argues why the trial court’s decision is correct. A form appellate brief can be found as “Appendix B” to this Guide. *See* Chapter 9, Section 12 of the NHBP Rules of Appellate Procedure for information about briefs.
- Certificate of Service:** A statement at the end of all briefs, motions or other pleadings that a copy of what was filed with the NHBP Supreme Court was mailed, postage pre-paid in the U.S. Mail or e-mailed to all other parties involved in the case. All pleadings, briefs,

motions, or other papers filed with the NHBP Supreme Court must be sent to all other parties involved with the appeal and a certificate of service shall be included on all pleadings, briefs, motions or other papers filed with the NHBP Supreme Court.

**Chief Justice:** “Chief Justice” means the Chief Judge of the Supreme Court or his/her designee by order of the Chief Justice.

**Citation:** A reference to a case, statute, constitution, or ordinance that applies to a pending appeal. A citation tells the court where to look to find the law cited to support an argument.

**Civil Case:** An appeal involving issues such as contracts, property, divorce, juvenile, child custody or personal injuries where a party is usually not facing jail or prison as a potential punishment.

**Contempt:** Disrespect or disregard shown to a court.

**Court of Appeals:** *See* Supreme Court.

**Criminal Case:** A case involving the violation of a criminal law or ordinance where the person is facing either potential time in jail or prison or a fine. A misdemeanor is usually a potential of jail or prison for less than a year. A felony is a crime where the person charged with a crime is facing a potential of jail or prison for more than a year.

**Decision:** The written basis for a court’s ruling.

**Defendant:** The person sued or charged with a crime at the trial court level.

**De Novo:** *See* “Standard of Review.”

**Docket:** The list of cases a court hears on a day or the list of proceedings that occurs in a case.

**File Stamp:** The time/date stamp a clerk puts on all filed pleadings, briefs, and orders that prove a document reached the court file. To keep proof a document was filed, the litigant filing should request a “true copy” of the filed document, which is simply an extra stamped copy of a pleading for the litigant’s personal files. If requesting a true copy, send a stamped, self-addressed envelope and extra copy of your pleading.

**Final Judgment:** The order of a trial court that completely concludes a case. Normally, appellate courts only consider final judgments. For

further information on appealable decisions, *see* Chapter 9, Section 2 of the Rules of Appellate Procedure of the NHBP Supreme Court.

**Indigent:**

A person who cannot afford to pay court costs up front or cannot afford to hire an attorney. An attorney may possibly be appointed at the tribe's expense for criminal cases, but an attorney is usually not appointed for civil cases. Most courts do not appoint attorneys for civil cases. *See* Chapter 9, Section 9 of the NHBP Rules of Appellate Procedure for information regarding indigent criminal appeals.

**In Forma Pauperis:**

This is the civil court answer to a party being indigent in a criminal case. *In Forma Pauperis* means "acting as a pauper." If the Court finds a party is a pauper (poor), the Court can waive or delay the prepayment of filing fees and court costs. *See* Chapter 9, Section 9 of the NHBP Rules of Appellate Procedure for information regarding *in forma pauperis* civil appeals.

**Interlocutory Appeal:**

An appeal filed prior to a trial court entering a final judgment. *See* Chapter 9, Section 3(B) of the NHBP Rules of Appellate Procedure for information regarding interlocutory appeals.

**Judgment:**

*See* "Final Judgment."

**Jurisdiction:**

The Court's power to act in a case. The court must have "subject matter jurisdiction" (power to hear a type of case) and "personal jurisdiction" (power over the parties in a case) to proceed. For further information regarding the jurisdiction for the NHBP Supreme Court, *see* Chapter 9, Sections 3 and 4 of the NHBP Rules of Appellate Procedure. *See also*, NHBP Constitution, Article XI, § 3 (c) & (d).

**Litigant:**

A party to a pending case.

**Lower Court:**

*See* "Trial Court."

**Notice of Appeal:**

The pleading that is filed to start an appeal. A form notice of appeal can be found at "Appendix A" to this Guide. *See* Chapter 9, Section 6 of the NHBP Rules of Appellate Procedure for information regarding how to start an appeal.

**Opinion:**

The formal written decision from a court.



<b><u>Oral Arguments:</u></b>	The personal and spoken argument made to an appellate court. Oral arguments are not required but may be allowed by the NHBP Supreme Court. <i>See</i> Chapter 9, Section 13 of the Rules of Appellate Procedure for information regarding oral arguments.
<b><u>Order:</u></b>	An enforceable decision or command by a court. An order can be either written or oral and it tells a party to do, or not do, something.
<b><u>Party:</u></b>	<i>See</i> “Litigant.”
<b><u>Petitioner:</u></b>	The party who starts a lawsuit. A petitioner can be an individual, a corporation or a government body.
<b><u>Plaintiff:</u></b>	Another word for petitioner. <i>See</i> “Petitioner.”
<b><u>Precedent:</u></b>	A previously decided case that is similar to the case at hand and may instruct or influence the NHBP Supreme Court on how they should decide the pending appeal.
<b><u>Pro Se:</u></b>	A litigant presenting their own appeal without the formal representation of an attorney.
<b><u>Record on Appeal:</u></b>	The orders, papers, pleadings, transcript, and exhibits presented to the trial court at the trial of the matter now on appeal. Generally, for facts to be reviewed by the appellate court, the evidence had to be presented at trial to be considered in the appeal. The evidence presented at the trial is considered “on the record.” Evidence not presented at trial will not generally be considered by the appellate court because unrepresented evidence is “off the record.” For further information regarding the record on appeal, <i>see</i> Chapter 9, Section 11 of the NHBP Rules of Appellate Procedure.
<b><u>Remand:</u></b>	The appellate court’s action of sending a case back to the trial court with instructions to conduct some further action on the case.
<b><u>Remedy:</u></b>	The relief requested by a party through legal action.
<b><u>Reply Brief:</u></b>	The Appellant’s written reply to the Appellee’s brief. Generally, the reply brief is the final brief presented to the appellate court before an appeal is decided. For further information on reply briefs, <i>see</i> Chapter 9, Section 12(D) of the NHBP Rules of Appellate Procedure.

- Respondent:** *See* “Appellee” or “Defendant.”
- Reverse:** The act of an appellate court modifying or changing a trial court’s decision.
- Standard of Review:** The rule of review an appellate court must follow when deciding an appeal. There are different standards of review for different types of cases. Several common appellate standards of review are as follows:
- A)** Abuse of Discretion – The trial court’s decision does not follow the law or greatly diverts its opinion from factual logic;
  - B)** Clear and Convincing Evidence – Very strong evidence usually associated with civil cases such as the tribe or a state agency removing a child from a parent’s custody;
  - C)** *De Novo* – Review with no presumption that the trial court’s ruling was correct (usually deciding questions of law);
  - D)** Presumption of Correctness – If all things are equal, the appellate court will defer to the trial court’s decisions unless an appellant specifically shows the trial court’s decision was incorrect; and
  - E)** Proof Beyond a Reasonable Doubt – Extremely strong evidence usually associated with criminal case sufficiency of evidence issues.
- Stay:** A court’s order delaying or temporarily suspending a legal decision or ruling being implemented. Filing a notice of appeal does not automatically stay a trial court’s decision unless a statute or ordinance specifically states a stay automatically takes place if a notice of appeal is filed. Otherwise, a litigant must request a stay from the court.
- Supreme Court:** The highest court in a tribal court appellate system. Some call their Supreme Court the “Court of Appeals.” For further information regarding the NHBP Supreme Court, *see* NHBP Constitution, Article XI, §§ 1(a) and 2(b) and Chapter 9, Section 1(B)(5) of the NHBP Rules of Appellate Procedure.

**Technical Record:**        *See* “Record on Appeal.”

**Transcript:**                A written record of every word said at trial or in a trial court hearing. Sometimes an appellate court will use an audio record of what was said at trial or the parties might present a written summary of the testimony called a “Statement of the Evidence.” For further information on presenting transcript or other witness testimony, *see* Chapter 9, Section 11(B)(3) and (C) of the NHBP Rules of Appellate Procedure.

**Trial Court:**                The original (last) court to hear a case prior to the appeal being filed. The Trial Court is sometimes called the “Lower Court” or the “Tribal Court.”

**Tribal Court:**                *See* “Trial Court.”

**Writ:**                         An extraordinary order of a court ordering a person, litigant, government body or lower court to either do, or refrain from doing, an act. Usually an extraordinary writ is only allowed by tribal ordinance specifically granting a court such jurisdiction.

## **V. FREQUENTLY ASKED QUESTIONS**

### **WHAT IS AN APPEAL?**

An appeal is a higher court reviewing the actions of a lower court to make sure the lower trial court's decision is either justified or supported by the evidence presented at trial.

### **WHO CAN APPEAL?**

Any actual party to a case that is dissatisfied with the ruling of a trial court can normally appeal the trial court's decision if time limitations on filing a notice of appeal are followed. Third parties who are not involved directly in a case cannot initiate an appeal.

### **WHAT DOES IT COST TO APPEAL?**

The court costs to file a notice of appeal to the NHBP Supreme Court is \$100.00 as of August 10, 2018. Be sure to check with the Court Clerk regarding filing fees, as fees are subject to change.

### **HOW DO I FILE A NOTICE OF APPEAL?**

There is a form notice of appeal which can be found as "Appendix A" of this Guide. A notice of appeal should be filed with the clerk of the NHBP Supreme Court at 2221 1 ½ Mile Road, Fulton, MI 49052. Time limits apply, so check the NHBP Rules of Appellate Procedure to file your appeal timely.

### **WHEN IS MY BRIEF DUE?**

The Appellant's brief is due within sixty (60) days of the Appellant filing the notice of appeal. The Appellee's brief is due within thirty (30) days of the Appellant's brief being filed. A reply brief, if it is to be filed by the Appellant, is due within fourteen (14) days of the Appellee's brief being filed. File all briefs with the clerk of the NHBP Supreme Court. *See*, NHBP Rules of Appellate Procedure, Chapter 9, Section 12(D). Read Rule 12 closely. There are page limitations on briefs set out at NHBP Rules of Appellate Procedure Chapter 9, Section 12(A).

### **WHAT HAPPENS IF THE BRIEF IS DUE ON A DAY THE COURT IS CLOSED?**

If a brief is due on a day the court is closed, the brief is actually due on the next day the court is open.

### **CAN I CONTACT THE JUSTICES DIRECTLY TO TALK ABOUT MY PENDING APPEAL?**

No.

**HOW LONG WILL IT TAKE TO GET AN OPINION FROM THE NHBP SUPREME COURT?**

While there is no specific time for an appellate court to render a decision, the NHBP Supreme Court strives to make their decisions within sixty (60) days of oral arguments or the Court getting the case if the parties do not request oral arguments.

**HOW DOES THE NHBP SUPREME COURT DECIDE CASES?**

The NHBP Supreme Court will review the facts and law of your case closely and discuss the case between the justices. The majority decision of the justices will decide the case.

**WHY PRESENT ORAL ARGUMENTS?**

Oral arguments are designed to allow the litigants to clear up questions left unanswered or presented by the written briefs. Presume the court is very familiar with the facts of your case and the written briefs. Oral arguments invite the NHBP Supreme Court to ask questions of the litigants to better understand the issues in an appeal. The grant or denial of oral arguments is not jurisdictional. The time, place, and manner of oral arguments will be determined by the NHBP Supreme Court. This includes the Court either waiving oral arguments, ordering oral arguments in person, oral argument by internet/telephone/Skype, or to hold oral arguments at a site off tribal property.

**DO I HAVE TO REQUEST ORAL ARGUMENTS?**

No. You can waive oral arguments. If oral arguments are waived, the case will be decided solely on the written arguments set out in the briefs.

**IF I START MY APPEAL ON MY OWN (PRO SE), MAY I LATER HIRE AN ATTORNEY TO PRESENT MY CASE IF THE APPEAL IS STILL PENDING?**

Yes, however unless permission is granted from the NHBP Supreme Court, the attorney cannot re-brief the case or extend the deadlines for filing paperwork.

**HOW WILL I KNOW WHEN THE NHBP SUPREME COURT DECIDES MY APPEAL?**

The NHBP Supreme Court will prepare a written opinion and the clerk of the NHBP Supreme Court will send a copy of the NHBP Supreme Court opinion to all litigants.

**WHAT IF I WISH TO APPEAL THE OPINION OF THE NHBP SUPREME COURT?**

For most cases, there are no further appeals after the NHBP Supreme Court rules on your appeal. The NHBP Supreme Court is called a “court of last resort” for this reason. The “next option,” if one exists, is the U.S. Supreme Court or federal *habeas corpus*.

## **VI. WHERE ARE FILINGS MAILED?**

All pleadings, motions or briefs may be mailed, postage pre-paid in the U.S. Mail, to the Clerk of the NHBP Supreme Court at 2221 1 ½ Mile Road, Fulton, MI 49052. You may also e-mail your pleadings, motions or briefs to the Clerk of the NHBP Supreme Court at [holly.curtis@nhbpi.com](mailto:holly.curtis@nhbpi.com). If you mail the brief, send four (4) copies of the brief to the NHBP Supreme Court. If you e-mail your brief, only e-mail a single (1) copy of your brief. NHBP Rules of Appellate Procedure Chapter 9, Section 12(A).

## **VII. HOW TO SEEK AN APPEAL?**

Section V of the NHBP Rules of Appellate Procedure of the NHBP Supreme Court set out the details for seeking an appeal. Basically, felony cases and most civil cases must have the notice of appeal filed within twenty-eight (28) days of the Trial Court deciding a case. NHBP Rules of Appellate Procedure Chapter 9, Section 5(A). A form notice of appeal may be found as “Appendix A” of this Guide. To start an appeal, one files their notice of appeal with the clerk of the NHBP Supreme Court at 2221 1 ½ Mile Road, Fulton, MI 49052. If you want a “true copy” of your paperwork, see the definition of “File Stamp” in part IV of this guide.

## **VIII. RESEARCHING AND ARGUING AN APPEAL**

The more details a litigant/party to an appeal can give to the appellate court as to why the trial court should be reversed, (*Appellant’s argument*), or why the appellate court should affirm the trial court, (*Appellee’s argument*), the better. Simply arguing “the decision of the trial court stinks” will not usually convince an appellate court to reverse a trial court. Tell the appellate court where in the transcript or record you are getting the quoted or referenced claim or statement you argue in your brief. Simply telling the appellate court to look at a specific page number to find your point is fine, (*e.g.*, Transcript page 9). As for researching the law, most tribal websites or the court clerk will have a copy of the Tribal Code and possibly previous opinions of the NHBP Supreme Court. The NHBP Tribal and Supreme Courts publish opinions on the Court’s website at: <http://nhbpi.com/sovereignty/tribal-court/court-opinions/>. The Court is also working to publish opinions on legal researching sites, some of which may have fees for the user. The Court will update its website and this publication as NHBP Tribal and Supreme Court opinions are available on these sites. Also, some private organizations, such as the Tribal Court Clearinghouse, and law schools, such as Cornell University, have on-line Native American law libraries. Many commercial internet sites offer free legal research and they can be found by simply searching “free legal research sites” on the internet.

When arguing a case to the appellate court, either orally or in writing, keep it simple. Tell your story and tell the truth. Remember, whatever you say occurred at trial must appear in the record before the appellate court. If a factual point does not appear in the record, then the NHBP Supreme Court will not consider the information as the fact argued is “off the record.” When arguing, inform the court, don’t try to impress the court with fancy language.

## **IX. THE APPELLATE RECORD**

The appellate record usually includes the transcript of trial evidence, trial court pleadings, exhibits and court rulings. Consider the appellate record to be like looking at a photograph. The appellate court simply looks at the photograph taken and developed by the trial court. The NHBP Supreme Court decides if the photograph was developed correctly. While there may be things included in the photograph the appellate court believes should not be “on the record,” or the appellate court may believe missing information should be included, the appellate court normally does not add or subtract from the information put together by the trial court. Be sure all relevant information is included in the appellate record by simply filing a letter with the trial court clerk stating which items you wish included in the appellate record soon after filing your notice of appeal.

## **X. BRIEFS**

The general rules regarding how to present an appellate brief are set out in Chapter 9, Section 12 of the NHBP Rules of Appellate Procedure. A form brief may be found at “Appendix B” of this Guide. Basically, tell your story to the appellate court in plain language explaining why you believe the appellate court should either reverse or affirm the trial court. Write to inform the court, not impress the court with fancy terms.

## **XI. THE NHBP SUPREME COURT RULING**

The NHBP Supreme Court will decide the appeal with a written opinion. It may take a couple months for the opinion to be rendered, but the Court strives to decide cases within sixty (60) days of oral arguments being heard or the Supreme Court getting the case if oral arguments are waived. The written opinion will explain why the NHBP Supreme Court decided a case in a certain way. When the NHBP Supreme Court decides a case, the majority rules. So, if there are three (3) justices hearing a case *en banc*, two (2) justices agreeing on an outcome decides the “majority opinion” and the outcome of the appeal. Some NHBP Supreme Court opinions will include a “concurring opinion,” which means a justice agreed with the majority opinion, but for a slightly different reason or the justice wanted to explain their vote on a specific point. Some NHBP Supreme

Court opinions will include a “dissenting opinion.” A dissenting opinion, also called “a dissent,” is a justice on the losing side of the case explaining why that justice thinks the majority opinion is wrong. Absent very unusual circumstances, a case concludes when the NHBP Supreme Court hands down its opinion.

## **XII. CONCLUSION**

Appeals are difficult to present and difficult to win. The NHBP Supreme Court hopes this short guide helps as you present your appeal to this Honorable Court.

                                   */s/ Gregory Smith*

Hon. Gregory Smith, Chief Justice  
NHBP Supreme Court



**APPENDIX A - Form/Example Notice of Appeal**

**IN THE NHBP TRIBAL COURT  
AT FULTON, MICHIGAN**

<b>THE PEOPLE OF THE NHBP</b>	)	Case No.: _____
Appellee	)	Tribal Judge _____
	)	
vs.	)	
	)	
<b><u>(YOUR NAME)</u></b>	)	
Defendant/Appellant	)	

**NOTICE OF APPEAL**

Comes now the Defendant, (your name), pursuant to NHBP Rules App. Pro., Ch. 9, § 6, and puts the Court and the People of the NHBP on notice that Defendant is appealing the decision of the NHBP Tribal Court filed the \_\_\_\_\_ (day) day of \_\_\_\_\_ (month), 20\_\_\_\_, to the NHBP Supreme Court.

This is the (day) day of \_\_\_\_\_ (month), 20\_\_.

Respectfully Submitted:

\_\_\_\_\_  
*Your Name*  
Defendant/Appellant  
*Address*  
*{City}, {State} Zip Code*  
Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, (your name), hereby certify that a true and accurate copy of the foregoing has been mailed, adequate postage prepaid, to the following on this the (day) day of (month), 20\_\_.

\_\_\_\_\_  
*Your Name*

1. Prosecutor for the People of the NHBP  
303 Paw Paw Street, Ste. 6  
Paw Paw, MI 49079

**APPENDIX B - Form/Example Appellate Brief**

**IN THE NHBP SUPREME COURT  
AT FULTON, MICHIGAN**

**THE PEOPLE OF THE NHBP**  
**Appellee**

vs.

**(YOUR NAME)**  
**Defendant/Appellant**

) **Case No.:** 20\_\_ - \_\_\_\_  
) **Trial No.:** \_\_\_\_\_  
) **ORAL ARGUMENTS REQUESTED**  
) **Tribal Judge** \_\_\_\_  
)  
)  
)

**BRIEF OF DEFENDANT/APPELLANT**

Comes now the Defendant/Appellant, (your name), pursuant to NHBP Rules App. Pro., Ch. 9, § 12, and presents the following Appellant's brief. Appellant would show unto the Court the following:

**I. FACTS**

- 1.1)** The trial in this case took place on the \_\_\_\_ day of (month), 20\_\_\_. A notice of appeal was filed with the trial court clerk on the \_\_\_\_ day of (month), 20\_\_\_. The judge presiding over the trial was (Judge's name). The trial *was* \_\_\_\_ *was not* \_\_\_\_ heard by a jury. Appellant *did* \_\_\_\_ *did not* \_\_\_\_ have an attorney at trial. If represented by an attorney, the name of my attorney at trial was (name).
- 1.2)** *(Set out the facts of your case as shown to the NHBP Tribal Court. Only discuss facts and testimony actually presented to the NHBP Tribal Court).*

**II. ISSUES**

- 2.1)** The Tribal Court erred in finding Appellant guilty of *(your convicted crime)* because the evidence of record was insufficient, as a matter of law, to support a finding of guilt beyond a reasonable doubt.
- 2.2)** *(Set out any other issues you have with a new number for each separate issue).*

**III. RELEVANT LAW**

- 3.1)** NHBP Tribal Code § \_\_\_\_\_.
- 3.2)** *(Other case law or statutes you wish the Court to consider with a separate number for each separate case or statute).*

**IV. ARGUMENTS**

**4.1)** (*Discuss why you believe the NHBP Tribal Court incorrectly ruled on your case and how any error the NHBP Tribal Court made adversely affected the outcome of your trial. Use a separate number for each different issue or argument. If cases, statutes or ordinances support your argument, give complete citations to those legal points).*

**V. CONCLUSION**

**5.1)** For the foregoing reasons, Defendant/Appellant, \_\_\_\_\_ (*your name*), respectfully requests the NHBP Supreme Court to modify or overturn the NHBP Tribal Court in the following manner, (*state what you are requesting the NHBP Supreme Court to do such as overturning the verdict and ordering a new trial or dismissing the case*).

This is the \_\_\_\_\_ (*day*) day of \_\_\_\_\_ (*month*), 20\_\_\_.

Respectfully Submitted:

\_\_\_\_\_  
*Your Name*  
Defendant/Appellant  
*Address*  
*{City}, {State} Zip Code*  
Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_ (*your name*), hereby certify that a true and accurate copy of the foregoing has been mailed, adequate postage prepaid, to the following on this the \_\_\_\_\_ (*day*) day of \_\_\_\_\_ (*month*), 20\_\_\_.

\_\_\_\_\_  
*Your Name*

- 2. Prosecutor for the People of the NHBP  
303 Paw Paw Street, Ste. 6  
Paw Paw, MI 49079