

ROSEBUD SIOUX TRIBE
COURT OF APPEALS

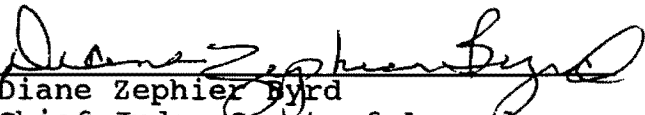
THADDEAU ANTHONY RED THOMAHAWK,)
) D 92-44
 Appellant,)
) ORDER
vs.)
))
LETHA JANELLE RED THOMAHAWK,)
))
 Appellee.)

This matter came before the Court on a Motion to Dismiss the Appeal which was filed by the Attorney for Appellant, Krista Clark, Dakota Plains Legal Services on August 2, 1994.

NOW, THEREFORE, IT IS ORDERED:

That this appeal is hereby dismissed. That the Appellant may return to the lower court to resolve this matter.

Dated this 27th day of September 1994.


Diane Zephier Byrd
Chief Judge Court of Appeals

ROSEBUD SIOUS TRIBE
COURT OF APPEALS

THADDEUS ANTHONY RED TOMAHAWK,)
)
 Appellant.)
)
 vs.)
)
 LETHA JANELLE RED TOMAHAWK,)
)
 Appellee.)
)

D-92-44

NOTICE OF APPEAL

Pursuant to Rule 5, Rules of Appellate Procedure of the Rosebud Sioux Tribe Appeals Court, Thaddeus Anthony Red Tomahawk appeals from the Order For Modification of Divorce Decree entered by the Rosebud Sioux Tribal Court on September 27, 1993, by the Honorable Viola A. Burnette.

The name, address and phone number of the party taking the appeal is Thaddeus Anthony Red Tomahawk, c/o Black Hills Retirement Center, 1620 N. 7th St., Rapid City, SD 57701. The name of his attorney is Krista H. Clark, Dakota Plains Legal Services, PO BOX 727, Mission, SD 57555, and her phone number is 605-856-4444.

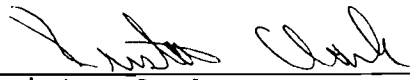
The appeal is taken from an Order for Modification of Divorce Decree entered by the Rosebud Sioux Tribal Court on October 18, 1993, by the Honorable Viola A. Burnette. The name, address and phone number of the other party to this matter, is Letha Janelle Red Tomahawk, P.O. Box 22, St. Francis, SD 57572. Appellant does not believe Ms. Red Tomahawk has a phone and he does not know if she has counsel.

The issues on appeal in this case is as follows:

a) Whether the lower court erred as a matter of law and abused its discretion when on September 27, 1993, it amended the lower court's June 22, 1993, Decree of Divorce, which had given TART the sole and exclusive care, custody and control of the parties three minor children, and gave the parties joint legal and joint physical custody of the minor children.

b) Whether the lower court abused its discretion in its September 27, 1993, Order For Modification of Divorce Decree when it ordered that the parties should, on a monthly basis and for an indefinite period of time, alternate physical custody of the parties' three minor children.

Dated this 22nd day of October, 1993.



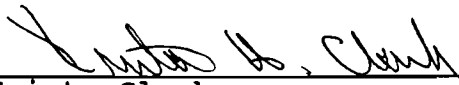
Krista Clark
Attorney for Tony Anthony Red
Tomahawk
Dakota Plains Legal Services
P.O. Box 727
Mission, SD 57555

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a true and correct copy of the Notice of Appeal and Designation of the Record upon the following, by first class United States mail, postage prepaid, to-wit:

Letha Red Tomahawk
PO BOX 22
St. Francis, SD 57572

Dated this 22nd day of October, 1993.



Krista Clark

ROSEBUD SIOUS TRIBE
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DESIGNATION OF RECORD

Comes now Appellant, Thaddeus Anthony Red Tomahawk, by and through his counsel, Krista Clark, and designates the record on appeal in the above-entitled matter as follows:

1. Plaintiff's Summons and Complaint for Divorce dated September 17, 1992.
2. Affidavit and Motion to Take Default Judgment dated May 28, 1993.
3. Findings of Fact and Conclusions and Decree of Divorce dated June 22, 1993.
4. Motion For Relief of Final Judgment or Order and Affidavit of Letha J. Red Tomahawk dated June 28, 1993.
5. Decision dated July 16, 1993.
6. Affidavit in Support of Modification of Divorce Decree dated _____, 1993.
7. Order for Modification of Divorce Decree dated September 27, 1993.
8. Transcript of Divorce Hearing held in the Rosebud Sioux Tribal Court on June 22, 1993.
9. Transcript of the Hearing held in the Rosebud Sioux Tribal Court on August 9, 1993.

Dated this 22nd day of October, 1993.



Krista Clark
Attorney for Appellant
Dakota Plains Legal Services
P.O. Box 727
Mission, SD 57555
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