

DAKOTA  
FILED  
SISSETON-WAHPETON-SIOUX  
TRIBAL COURT

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IN THE SISSETON-WAHPETON OYATE  
OF THE LAKE TRAVERSE RESERVATION  
SUPREME COURT

5/16/16  
Date  
Clerk of Courts

In the Matter of:

NO. T-16-027-086

CHARLES "JACKY" WHITE

Appellant,

**ORDER GRANTING MOTION TO  
DISMISS NOTICE OF APPEAL**

v.

RESERVATION ELECTION BOARD

COLLEEN EASTMAN, TAMMY  
DECOTEAU, JOSIE BERTSCH, KARINA  
MILLER, GERI OPSAL

Appellee.

*Per curium* (Chief Justice Thor A. Hoyte, Associate Justice Russell Zephier, Associate Justice Pat Donovan)

In the matter of the appeal of White versus the Reservation Election Board, the Sisseton-Wahpeton Supreme Court has received briefing and a Motion to Dismiss Notice of Appeal. The Court has reviewed the material and finds the following:

1) Sisseton-Wahpeton Oyate Election Code Sec. 03-05-10 states, in part, "[t]he Tribal Court's determination of the appeal shall be final and NO APPEAL may lie to the Northern Plains Intertribal Court of Appeals or any other appellate court of the Tribe."

2) The Court understands a "special election", for purposes of the election code and its appeal procedure, is no different from that of a regular "election".

3) All other challenges made under the Sisseton-Wahpeton Oyate Revised Constitution and By-Laws and Bill of Rights are without merit as the

1 constitutionality of the Election Code has not been challenged, and thus is controlling as a  
2 reasonable enactment of law under the Constitution.

3 **DECISION**

4 The Motion to Dismiss Notice of Appeal is GRANTED.

5 Made, this 13th day of May, 2016, by

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10 Thor A. Hoyte  
11 Chief Justice  
12 Sisseton-Wahpeton Oyate Supreme Court  
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