

Jan 28, 2011

ISSUED
CLERK OF COURT

CA-10-001

PASCUA YAQUI TRIBE COURT OF APPEALS

PASCUA YAQUI TRIBE, Plaintiff
v.

Flores, Stevie, Defendant

ORDER TO PROCEED ON APPEAL TRIAL DE NOVO

Jennifer Gutierrez, Lay Advocate, 5130 W Neokae, Tucson. 85757, for Defendant Stevie Flores.

Alfred Urbina, Pascua Yaqui Prosecutor's Office, Tucson, 85757, for the Plaintiff.

This matter came before the Court of Appeals upon a request for a *trial de novo*, in case no. TR-09-044.

This court held a pre-hearing conference pursuant to **3 PYTC § 2-3-290 – Formerly 3 PYTRAP Rule 27** on September 28, 2010. Ms Gutierrez and Mr Urbina provided briefs to the Court on the matter.

After reviewing the relevant Rules of the PYT, the Court hereby orders that the defendant has an adequate remedy by appeal. There is NO requirement in this instance to proceed with a trial de novo as described in Section 290 (C)(4).

The briefing schedule for this case is set as follows: the Appellant shall file an Opening Brief within 30 days from the date of this order, and thereafter the Appellee shall have 30 days to file his Response Brief.

So ORDERED this 28th day of January, 2011.



Mark McMillan, Judge pro tem