

IN THE HUALAPAI TRIBAL COURT OF APPEALS

HUALAPAI RESERVATION, PEACH SPRINGS, ARIZONA

HUALAPAI TRIBE,

Appellee,

v.

JOSEPH TALIEGE, SR.,

Appellant.

No.: 2011-AP-006

Trial Case No.: 2010-CR-524AB

ORDER DISMISSING APPEAL

TO: Estevan Hernandez, Jr.
Duane Yellowhawk
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P.O. Box 179
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Marie James, Chief Prosecutor
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BEFORE Chief Justice WES WILLIAMS, JR. and Associate Justices CAROLE GOLDBERG
and PAT SEKAQUAPTEWA

PER CURIAM¹

Appellant Joseph Taliege, Sr. (“Taliege”) filed a Notice of Appeal in this matter on March 29, 2011. On May 13, 2011, this Court issued a briefing order indicating that Taliege’s opening brief would be due on or before May 31, 2011. The hearing on Taliege’s appeal was separately scheduled for June 26, 2011. For the reasons provided below, we dismiss Taliege’s appeal because his advocate failed to file a brief by May 31, 2011, and did not request an extension of time.

¹ Associate Justice SEKAQUAPTEWA participated in the decision of this case, but was unable to participate in the writing of the opinion.

Under Rule 11(b) of the Hualapai Court of Appeals Rules of Appellate Procedure ("Rules of Appellate Procedure"), "Parties who are represented by professionally licensed attorneys or lay advocates are required to file briefs."² This requirement exists to ensure that opposing parties are adequately informed of the arguments to which they must respond, and that this Court is assisted in conducting its review. If an appellant files no brief, the appellee and this Court have only the Notice of Appeal. Yet under Rule 6(a)(i)(1) of the Rules of Appellate Procedure, the Notice of Appeal need only contain "a concise statement of the basis for [requesting appellate relief]," and "does not need to include an in-depth argument." Indeed, this Rule specifies that "a full argument can be supplied in the appellant's brief." Taliege's Notice of Appeal in this case provided only a brief listing of "alleged errors made by the Trial Court." This short statement of alleged errors was insufficient, by itself, to supply the basis for opposing arguments or to assist this court.

Taliege is represented in this appeal by advocates associated with the Hualapai Public Defenders Office. However, his advocates did not file a brief by the deadline of May 31, 2011, and did not request an extension of that deadline. Accordingly, this Court orders Taliege's appeal dismissed for failure to file a brief as required by Rule 11(b) of the Rules of Appellate Procedure.

² Under this same provision of the Rules of Appellate Procedure, "parties who are *not* represented by licensed attorneys or lay advocates are strongly encouraged, but not required, to file briefs concerning the issues on appeal...." (emphasis added).

IT IS SO ORDERED.

Entered this 8th day of August, 2011, on behalf of the entire panel.

A handwritten signature in black ink, appearing to read "Carole Goldberg", is written over a light gray rectangular background.

Justice Carole Goldberg

VERIFICATION OF SERVICE

SERVED TO: _____

SERVED BY: _____

DATE/TIME: _____