

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT OF APPEALS**

Ryan L. Champagne,
Appellant

Case No. 06-178-AP

v.

On Appeal from:
Case No. 06-131-TM

The People of the Little River Band
of Ottawa Indians,
Respondent

Order Denying Request for Reconsideration

For the following reasons, the Little River Band of Ottawa Indians Tribal Court of Appeals **denies** the motion by Appellant Ryan L. Champagne for reconsideration of our order remanding this matter to the trial court for trial.

Appellant offers no extraordinary new argumentation or changed circumstances that would compel this Court to alter its conclusion that Appellant's interlocutory appeal should be heard at this time or that oral argument is necessary. As we noted in our earlier Order and Opinion, Appellant retains the right to appeal these issues if he is convicted of the

charges levied against him. Nothing in the earlier Order and Opinion or in this Order denies the Appellant the right to appeal his conviction.

Appellant also contests our decision to refuse oral argument at this time. Oral argument serves at least two functions. First, oral argument provides an opportunity for the Court to ask the parties questions concerning the written arguments submitted during the briefing stage. In this matter, the Court found as a matter of law that the Appellant had no right to interlocutory appeal under tribal law. No oral argument was necessary for the Court to reach this unremarkable conclusion. Second, oral argument serves the function of affording the opportunity for the parties to be heard. In this matter, Appellant has had several opportunities to be heard, both at the trial level and (in writing) at the appellate level. And, if Appellant is convicted, he will most certainly have the right to be heard before this Court again both in writing and in oral argument. Appellant misunderstands the functions of oral argument as provided in Appellate Rule 5.310. As that rule states, the granting of a request for oral argument is largely discretionary. There is nothing in the Constitution that guarantees the right to oral argument in every appearance before this Court. Appellant's "right" to oral argument (assuming for purposes of argument that there is such a "right") does not ripen until Appellant files an appeal that is cognizable in this Court.

Nevertheless, as we have stated repeatedly, Appellant has no right to an interlocutory appeal in this instance, but he does retain the right to appeal his conviction. Contrary to Appellant's repeated assertion, *he will suffer no legal injury* as a result of our determination to deny the right to an interlocutory appeal and oral argument in this stage of the proceeding.

We add, as a final note, that our first impression of Appellant's purpose in filing the interlocutory appeal was a delaying tactic designed to forestall a trial in this matter. Our impression of Appellant's motives is strengthened by Appellant's newest request to this Court, coming so soon after a date has been set for trial (Thursday, November 16, 2006). Appellant's request for oral argument will further delay the trial and waste the judiciary's limited resources.

IT IS SO ORDERED.

January 2007

Justice Loretta Beccaria

Date

Justice Matthew L.M. Fletcher

Date

Justice Kathryn Kraus

Date