

STATE OF MINNESOTA
IN COURT OF APPEALS

FILED

February 10, 2017

**OFFICE OF
APPELLATE COURTS**

James Warren Northrup,
Todd Jeremy Thompson,
Defendants/Appellants,
v.

STATEMENT OF THE CASE

TRIAL COURT CASE NUMBERS:
Crow Wing County File Nos:

State of Minnesota,
Plaintiff/Respondent.

18-CR-16-16 and 18-CR-16-24

**APPELLATE COURT CASE
NUMBER: A17-0168**

To: Clerk of Appellate Courts, Minnesota Judicial Center, Saint Paul, MN
55155, and
Donald Ryan, Crow Wing County Attorney, Crow Wing Judicial Center,
213 Laurel Street, Suite 31, Brainerd, Minnesota 56401.

Pursuant to Order of the Minnesota Court of Appeals dated February 6,
2017, Defendants/Appellants were directed that "On or before January 12, 2017
[sic], defendants shall file a statement of the case that conforms to Form 13 [sic],
with proof of service on opposing counsel, and any written request for transcripts.

1. Court or agency of case origination and name of presiding judge or hearing officer.

Crow Wing District Court and the Honorable Kristine R. DeMay, Judge.

2. Jurisdictional Statement

(A) Appeal from district court. Statute, rule or *other authority* authorizing
appeal: Rule 28.03 per the Order

Date of entry of judgment or date of service of notice of filing of order from
which appeal is taken: Jan. 18, 2017

Authority fixing time limit for filing notice of appeal (specify applicable rule or statute): Rule 28

Date of filing any motion that tolls appeal time: NONE

Date of filing of order deciding tolling motion and date of service of notice of filing: NONE

(B) Certiorari appeal.

Statute, rule or other authority authorizing certiorari appeal: NONE

Authority fixing time limit for obtaining certiorari review (cite statutory section and date of event triggering appeal time, e.g., mailing of decision, receipt of decision, or receipt of other notice):

NONE

(C) Other appellate proceedings.

Statute, rule or other authority authorizing appellate proceeding: Rule 28

Authority fixing time limit for appellate review (cite statutory section and date of event triggering appeal time, e.g., mailing of decision, receipt of decision, or receipt of other notice):

TO BE DETERMINED

(D) Finality of order or judgment. NONE

Does the judgment or order to be reviewed dispose of all claims by and against all parties, including attorney fees? No (X)

If no: Did the district court order entry of a final partial judgment for immediate appeal pursuant to MINN. R. CIV. APP. P. 104.01? No (X)

If no, is the order or judgment appealed from reviewable under any exception to the finality rule? No (X)

(E) Criminal only:

Has a sentence been imposed or imposition of sentence stayed? No (X)

Proceedings were stayed pending successful interlocutory appeal.

If no, cite statute or rule authorizing interlocutory appeal:

Order and Rule 28.03 Certification of Proceedings dated Jan. 18, 2017 by the Honorable Judge DeMay, Crow Wing District Court Judge.

3. State type of litigation and designate any statutes at issue.

Minnesota's "regulation of the use of [real or personal] property [canoe and net] in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto [and . . . depriving] any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof."

See Public Law 83-280, 18 U.S.C. § 1162(b) and 28 U.S.C. § 1360(b)

4. Brief description of claims, defenses, issues litigated, and result below. For criminal cases, specify whether conviction was for a misdemeanor, gross misdemeanor, or felony offense.

State of Minnesota is unlawfully interfering with and attempting to regulate Chippewa tribal members rights, privileges or immunities afforded under

Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

5. List specific issues proposed to be raised on appeal.

Lack of subject matter jurisdiction by State of Minnesota.

6. Related appeals.

List all prior or pending appeals arising from the same action as this appeal.
If none, so state.

NONE.

List any known pending appeals in separate actions raising similar issues to this appeal. If none are known, so state.

NONE.

7. Contents of record.

Is a transcript necessary to review the issues on appeal? No (X)

Has the transcript already been delivered to the parties and filed with the district court administrator? No (X)

If not, has it been ordered from the court reporter? No (X)

If a transcript is unavailable, is a statement of the proceedings under Rule 110.03 necessary? No(X)

In lieu of the record as defined in Rule 110.01, have the parties agreed to prepare a statement of the record pursuant to Rule 110.04? No (X)

8. Is oral argument requested? Yes (X)

If so, is argument requested at a location other than that provided in Rule 134.09, subd. 2? Yes (X)

If yes, state where argument is requested:

Brainerd is first choice, Saint Paul second.

9. Identify the type of brief to be filed.

Formal brief under Rule 128.02. (X)

10. Names, addresses, and telephone numbers of attorneys for appellants and respondent State of Minnesota.

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9352 Grace Lake Road N.
Bemidji, Minnesota 56601
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Frank Bibeau
Attorney At Law
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DATED: February 10, 2017

SIGNATURE: /s/ Frank Bibeau