

UTB

GRAND TRAVERSE BAND TRIBAL COURT		OPINION AFTER ORAL ARGUMENT		CASE NO. 2025-41-AP	
				TRIAL COURT CASE NO. 2024-808-CR	
Court Address 2605 N. West Bay Shore Dr., Peshawbestown, MI 49682		Email tribalcourt@gtb-nsn.gov	Telephone No. (231) 534-7050	Fax No. (231) 534-7051	
Plaintiff's Name, Mailing Address and Phone Sandra Lee Jewell 7275 Niibin Mikun Benzonia, MI 49616			V.	Defendant's Name, Mailing Address and Phone People of the Grand Traverse Band 2605 N. West Bayshore Dr. Peshawbestown, MI 49682	

Fletcher, C.J.

Order

We AFFIRM the trial court orders dated March 27 and April 15, 2025 in this matter.

Introduction

This case presents a difficult challenge to our judiciary. On one hand, a disabled tribal citizen who feels deeply aggrieved by a family dispute involving her mother's estate. On the other hand, the tribal citizen has violated a personal protective order and has pled guilty to criminal contempt of court. We write today with deep manaadjtowaawain (respect) and dibaadendizowin (humility) towards the tribal community members involved in these issues, but we cannot solve them in this proceeding. We conclude the trial court's decision is reasonable and balanced, even where the defendant might disagree on the details.

Standard of Review

A core principle of American justice systems is that the authority of courts of appeal is largely limited to review of the legal conclusions of the trial courts. The function of trial level judges is to assess the credibility of fact witnesses, apply the law, resolve procedural differences between the parties, and craft an appropriate remedy. Appellate judges usually will not disturb the trial court's decisions unless there is a significant mistake.

Anishinaabe courts have adopted similar principles. The Grand Traverse Band court rules divide the roles of tribal judges based on their expertise. Appellate judges

must defer to trial level judges on most matters, most notably witness credibility and procedural decisions made in the heat of the moment.

These principles are consistent with Anishinaabe leadership principles rooted in divisions of power and authority. An Anishinaabe leader appointed to manage a difficult period in international relations, such as those like Aishquagonabe, appointed by Kchi-Wiikwedong villages to negotiate a treaty with the United States in 1836, stays within their lane. Once an ogema completes their task, their authority dissipates. Others step up. Similarly, others stand back while leaders complete their tasks rooted in their expertise. This division of authority, or separation of powers, is similarly consistent with the divided roles of the doodemaag in traditional and ancient governance philosophies. None of us are experts in everything, nor have we sat before the parties as they testified. In this instance, we as the appellate court defer to the expertise and experience of the trial judge with the parties.

In a criminal case such as this one where the appellant has pled guilty and is only challenging the sentence, the appellate court's review is limited. This court does possess the authority to increase, decrease, or otherwise modify a sentence:

In reviewing a matter on appeal, the Tribal Appellate Court may increase or decrease any sentence in a criminal case may affirm, modify, vacate, set aside or reverse any judgment, decree or order of the Tribal Court, may award the costs of the appeal, and may remand the case and direct entry of an appropriate judgment, decree or order, or require such further proceedings as may be just and equitable under the circumstances.

GTB Court Rule 9.205. However, the discretion and power of appellate judges is cabined by the need to defer to the discretionary judgment of trial judges. The court rules further provide:

(H) Discretion of the Court. A matter which is determined within the Tribal Court discretion shall be sustained if it is apparent from the record that the Tribal Court exercised its discretionary authority and applied the appropriate legal standard to the facts.

(I) Sentence or Penalty. A sentence and the imposition of fine, forfeiture, and/or other penalty, excluding the assessment of damages, shall be reviewed as a discretionary determination of the Tribal Court.

(J) Substituted Judgment. A matter committed to the discretion of the Tribal court shall not be subject to the substituted judgment of the Tribal Appellate Court.

GTB Court Rule 9.401. Moreover, the rules require this court to sustain a factual finding of the trial court unless the finding is clearly erroneous. GTB Court Rule 9.401(A).

In the absence of a conclusion by this court that the trial court abused its discretion in sentencing the defendant, we must affirm. *E.g., Campos v. People*, 2024 Grand Traverse Band App. LEXIS 3, at *5-6 (GTB App. Ct. Jan. 18, 2024) (finding no abuse of discretion in issuing a criminal sentence).

Procedural History and Relevant Facts

In April 2024, the trial court issued a personal protective order against Ms. Jewell in accordance with the tribe's domestic violence code and on behalf of her sister, Sally Rook. In December 2024, the tribal government alleged that she had violated that order by appearing at Ms. Rook's residence, which is also their father's residence. At a hearing on March 19, 2025, Ms. Jewell pled guilty to criminal contempt of court for violating the protective order. On April 15, 2025, the trial judge sentenced Ms. Jewell to one year of intensive probation, a series of fines amounting to \$400, and 30 days in jail. The court credited Ms. Jewell with one day in jail for her arrest and held the remaining 29 days in abeyance.

As a condition of her probation, Ms. Jewell is prohibited from contacting Sally Rook either physically or virtually, a continuation of the original protective order. The order of probation concludes that Ms. Jewell is a credible threat to the physical safety of one or more persons.

Ms. Jewell appeals the sentence and further seeks an order vacating the personal protection order. Her primary argument in the papers is that she is physically incapable of injuring her sister. Ms. Jewell submitted her medical records to the court, including a doctor note describing her severe physical limitations and opining that they "cannot imagine Sandra is a physical threat to anyone." She also alleges that her sister is a foot taller than she is, rendering her even less of a physical threat.

At oral argument, Ms. Jewell further argued that Ms. Rook's intent behind the protective order is not in good faith. She alleged that she and her sister dispute issues related to her mother's estate, leading her sister to seek the original protective order.

Ms. Jewell alleges her sister committed fraud against her and the tribal housing department in relation to their parents' home. It does not appear that Ms. Jewell objects to the factual basis behind the violation the protective order (her appearance at the residence of Ms. Rook), which was the basis for the guilty plea.

The Merits of the Appeal

We have no choice but to affirm the probation sentence and the conditions imposed on Ms. Jewell as a consequence of the probation sentence, including the continuation of the protective order.

The only authority this court has to modify, vacate, or reverse a criminal sentencing decision is if this court finds that the trial court abused its discretion. GTB Court Rule 9.401(I). This Court cannot substitute its judgment for that of the trial court, even if we disagree, so long as the trial court's sentence was reasonable. GTB Court Rule 9.401(J).

Ms. Jewell's arguments are foreclosed by two realities. The first is that she did not appeal the original protective order back in 2024. Because she did not appeal the issuance of the original order, she effectively consented to it, even if she did not agree with it and even if she possessed evidence that would have supported her position. The second is that she pled guilty to the violation of the protective order. By pleading guilty, she has admitted to the court that she did violate the protective order. By doing so, she submitted herself to the discretion of the trial court to issue a sentence, which in this case was probation and a continuation of the protective order, among other things. As a matter of law, Ms. Jewell has waived her right to challenge the legality of the 2024 protective order, severely undercutting her ability to challenge the 2025 criminal sentence.

Ms. Jewell's evidentiary submission does her no help in this court. Evidence must be submitted to the trial court at the appropriate time, which in this case was at the sentencing hearing. The record shows that the trial court made a finding of fact that Ms. Jewell was a credible physical threat based on all the evidence presented by both the tribal government and the defendant. Because appellate courts do not make findings of fact, the submission of Ms. Jewell's medical records and doctor's opinion are not materials upon which we can base our decision.

Conclusion

In affirming Ms. Jewell's sentence, we note that this discreet legal issue does not appear to be the only legal issue involving the parties. If there are legal issues

involving Ms. Jewell's mother's estate and her father's residence, then those issues must be raised in a separate proceeding.

2/2/2026


Date



Honorable Matthew L.M. Fletcher

2/9/2026

Date



Honorable JoAnne Cook

2/9/2026

Date



Honorable Matthew Massey

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Plaintiff Sandra Lee Jewell 7275 Niibin Mikun Benzonia, MI 49616	v.	Defendant's Name, Mailing Address and Phone People of the Grand Traverse Band 2605 N. West Bayshore Dr. Peshawbestown, MI 49682	

PROOF OF MAILING

I, Lauren Parzych, being duly sworn, deposes and states that on the date below I sent by:

first class mail
 inter-office mail
 email
 fax
 personal service/hand delivered
 log book
 other:

the documents listed below to the individuals identified below by placing a copy of the same with the United States Postal Service in Suttons Bay Michigan and/or as indicated below (see Method of Service).

Documents enclosed: Opinion After Oral Argument and Proof of Mailing.

Served To:

Court File
Prosecutor
Sandra Lee Jewell
Victim Advocate-Jackelyn Barnowski
Victim Services-Leona Burfield
VAWA Intensive Probation-John Sabatini
Survivor Liaison-Yvette Weese
Judge JoAnne Cook
Judge Matthew Fletcher
Judge Matthew Massey

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Email on File.
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I declare the statements above are true to the best of my information, knowledge, and belief.

Dated: 03/02/2026

Lauren Parzych
Lauren Parzych, Clerk of the Court