



**SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
COURT OF APPEALS**

10,005 E. OSBORN RD. SCOTTSDALE, AZ 85256 (480)362.6315

Salt River Police Department,

Appellee/Petitioner,

-V-

George Nunez, Jr.,

Appellant/Respondent,

Case No.: **APC-15-0001**

Re: **C-12-0070**

**ORDER DISMISSING THE
APPEAL**

Appellant/Respondent George Nunez, Jr., acting pro per, filed a Notice of Appeal from the February 17, 2015 Order on March 3, 2015 and paid the requisite \$50 filing fee. The Appellant did not however provide Appellant's telephone number or email address as required by SRPMIC Code Rules Chapter 5, Article V, Rule 4(c). The Court timely received the complete trial court record on March 17, 2015. An effort to personally serve Appellant of Notice that the Trial record was available to be picked up was unsuccessful. The process server noted that the resident at that address indicated by the Appellant in the Notice of Appeal explained that the Appellant did not live there but only used the address for mail. The resident would not accept service for Mr. Nunez.

Appellant's brief was due on or before April 7, 2015. SRPMIC Code Rules Chapter 5, Article V, Rule 12(a). Appellant did not timely file and has not yet filed his opening brief. "A failure of the appellant to file a brief will result in dismissal of the appeal." SRPMIC Code Rules Chapter 5, Article V, Rule 11(b).

FILED
2016 FEB -2 P 3:52
SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COURT

On April 8, 2015, Appellee/Petitioner Salt River Police Department filed Appellee's Motion to Dismiss Appellant's Notice of Appeal. Appellee sought a dismissal because (i) the Notice of Appeal was untimely, (ii) the Notice of Appeal was not served on the Appellee or its legal counsel, and (iii) the Notice of Appeal did not contain the required certification of service. In addition, Appellee advised that Appellant had "stated no legal or factual basis for his appeal and therefore the Community cannot provide any meaningful response." Motion to Dismiss, at page 6, lines 8-9. The Court does not reach any of the bases raised by Appellee due to Appellant's failure to file a brief.

Appellant has an obligation to file a brief. While the Notice of Appeal does not put an appellee on notice of the legal or factual basis for the appeal, Appellant's brief provides the basis for the appeal. The brief puts an appellee on notice of the issues presented for review, the facts relevant to the issues, the bases for reversing the decision of the trial court and the relief being requested. SRPMIC Code Rules Chapter 5, Article V, Rule 12. While the Court should give latitude to the form of the brief when filed by a pro-per litigant, there can be no latitude given to an appellant who fails to file any brief at all.

For the reasons stated above, this Court dismisses the appeal and affirms the Trial Court Order dated the 16th day of May, 2013, filed on the 17th day of February 2015.

ISSUED this 2nd day of February, 2016

Electronically approved 2/2/2016

/s/

Jan Morris, Justice

Electronically approved 2/2/2016

/s/

Denise Hosay, Justice

Electronically approved 2/2/2016

/s/

Judith Dworkin, Justice

SEAL
FILED
2016 FEB - 2 P 3:52
SALT RIVER PIMA - MARICOPA
INDIAN COMMUNITY COURT