

## IN THE SUPREME COURT OF THE OSAGE NATION

### **In Re: RULES FOR CRIMINAL APPEALS**

#### **Rule 101: Right of Appeal; How Taken**

- (a) The defendant has the right to appeal from the following:
  - (1) A final judgment of conviction; and the sentence imposed thereon.
  - (2) From an order made, after judgment and sentence, affecting his substantial rights.
- (b) The Osage Nation has the right to appeal from the following:
  - (1) A judgment of dismissal, upon a motion to dismiss based on any procedural irregularity occurring before trial, or an order excluding evidence in favor of the defendant prior to trial;
  - (2) An order arresting judgment or acquitting the defendant contrary to the verdict of the jury or before such verdict can be rendered.
  - (3) An order of the Court directing the jury to find for the defendant;
  - (4) An order made after judgment and sentence affecting the substantial rights of the Osage Nation.
- (c) A notice of appeal must be filed within 10 days of the entry of the final judgment and sentence or other appealable order and such notice must be served on all parties except the party filing the appeal.
- (d) Such appeals shall be had in accordance with the Rules regarding Civil Appeals.

#### **Rule 102: Stay of Judgment and Relief Pending Review**

- (a) A sentence of imprisonment or banishment may be stayed if an appeal is taken and the defendant may be given the opportunity to make bail. Any defendant not making bail or otherwise obtaining release pending appeal shall have all time spent in incarceration counted towards his sentence in the matter under appeal.
- (b) A sentence to pay a fine or a fine and costs, may be stayed pending appeal upon motion of the defendant, but the court may require the defendant to pay such money subject to return if the appeal should favor the defendant and negate the requirement

for paying such.

- (c) An order placing the defendant on probation may be stayed on motion of the defendant if an appeal is pending.

Done this 28<sup>th</sup> day of June, 2007, in conference, all the Associate Justices concur.

For the Court,

  
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Charles H. Lohah, Chief Justice