

**ONEIDA JUDICIARY APPELLATE COURT
INITIAL REVIEW**

Docket/Parties: Case# 15-AC-006, Barry K. Thompson vs. Rose Melchert

Date Filed: March 27, 2015

Date of Initial Review: April 7, 2015

The purpose of Initial Review (IR) is to answer threshold questions regarding the jurisdiction of a case and the procedural and material sufficiency of the Notice of Appeal. IR will determine if a case is ripe for appellate review and if not ripe, will determine whether the Trial Court or which Original Hearing Body (OHB) has jurisdiction. IR may affirm or overturn a single issue decision of an OHB where that similar issue has been settled as a matter of law by previous appellate court decisions. Pursuant to Oneida General Tribal Council Resolution 01-07-13-B adopting Chapter 150, the JUDICIARY law, Chapter 153, ONEIDA JUDICIARY RULES OF CIVIL PROCEDURE and Chapter 154, ONEIDA JUDICIARY RULES OF APPELLATE PROCEDURE, The Appellate Court shall accept an Appeal from the Decision of the Trial Court or Original Hearing Body, as specifically set forth in 154.3-1.(o), Initial Review, addressing the existence of any of following elements:

1. ___ A violation of constitutional provisions.
2. ___ The decision is outside the scope of the authority or otherwise unlawful.
3. x The decision is clearly erroneous and is against the weight of the evidence presented at the hearing level.
4. ___ The decision is arbitrary and/or capricious
5. ___ There is exhibited a procedural irregularity which would be considered a harmful error that may have contributed to the final decision, which if the error had not occurred, would have altered the final decision.
6. ___ There is presentation or introduction of new evidence that was not available at the hearing level, which, if available, may have altered the final decision.

INITIAL REVIEW DECISION

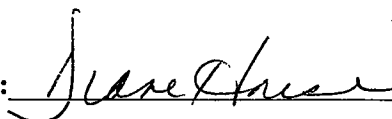
Reviewing Oneida Appellate Judges: Diane House, Jennifer Hill-Kelley, and Chad Hendricks

Accepted: The decision is clearly erroneous and is against the weight of the evidence presented at the hearing level.

TO: The Oneida Trial Court or Original Hearing Body in the above captioned case. Notice is hereby given that the Oneida Judiciary, Appellate Court has taken jurisdiction of this case and requests the Record as set forth in 154.8-4.(a), used by the Trial Court or lower original hearing body and a copy of the decision. The evidence should be mailed or delivered within thirty (30) calendar days upon receipt of this request. Evidence will be mailed or delivered to:

**The Oneida Judiciary
P.O. Box 19, Suite # 1 Ridgeview Plaza
3759 West Mason Street, Oneida, WI 54155**

Presiding Judge Signature:



Date:

4-7-15