

**NON-REMOVABLE MILLE LACS BAND OF OJIBWE INDIANS
COURT OF APPEALS**

2016 JUN -3 AM 11: 11

District of Nay-Ah-Shing

IN THE COURT OF APPEALS

No. 2016-APP-01 & 2016-APP-02

Darlene Savage,
Plaintiff-Appellee

vs.

ORDER DENYING APPEALS

Irene Wade Benjamin,
Defendant-Appellant

Ms. Irene Benjamin appealed to this Court from the February 5, 2016 harassment restraining order issued by Judge Christensen and from the order directing Ms. Savage to pay her \$10 for the CD of a court recording of a hearing held before Judge Christensen. The record reflects that Ms. Savage paid said amount but Ms. Benjamin has nonetheless appealed that issue also.

This Court on March 18, 2016 gave each side the opportunity to submit written arguments and also scheduled a hearing in this case for May 13, 2016 at 10 AM. Both sides were notified of the hearing but only Ms. Savage appeared along with a representative from a Band Elderly Protection program. Ms. Benjamin did not contact the Court to advise that she could not appear for the hearing. This Court concludes that Ms. Benjamin failed to appear without good cause and that this constitutes grounds to deny her appeals.

The Court did permit Ms. Savage and her advocate to be heard on the issues and Ms. Savage indicated that she is having a difficult time getting county law enforcement to enforce and prosecute for violations of her restraining order. She claims that Ms. Benjamin has violated Judge Christensen's restraining order but that Mille Lacs County Attorney has not prosecuted the violation. The Court recommended to Ms. Savage and her advocate that this matter should be brought to the attention of the Band Solicitor for resolution with the County because federal law requires that states honor and enforce orders in the nature of protective orders to prevent harassment.

Despite Ms. Benjamin's failure to appear the Court reviewed the files in these cases and concludes that sufficient evidence was presented to justify the entry of a

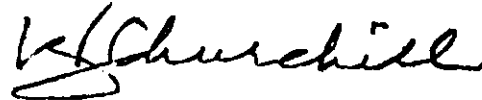
harassment allegedly took place at a location that Ms. Benjamin was advised not to come about by May 29, 2015 letter from the Mille Lacs Band Commissioner of Health and Human Services, Samuel Moose, to the Appellant in which she was advised that she was being directed not to come about the Assisted Living Unit in District 1 due to alleged violations of the rules of the ALU. This order was never rescinded and Ms. Benjamin needs to abide by that directive and Judge Christensen's order that she not have contact with Ms. Savage.

The Court finds that Ms. Benjamin's appeal of the order that Ms. Savage pay her \$10 for the CD she apparently took or damaged is without merit. The cost to her for the recording was \$10 and she can easily request another recording with the \$10 Ms. Savage did pay her.

WHEREFORE it is hereby

ORDERED, ADJUDGED, AND DECREED that the two appeals of Ms. Benjamin are hereby DENIED both for her failure to appear at hearing and due to a lack of merit.

So ordered this 31st day of May 2016.



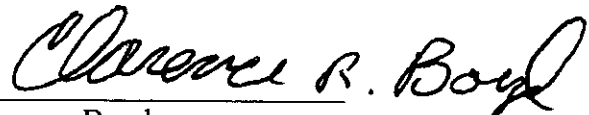
Rayna Churchill
Chief Justice



Special Magistrate



Brenda Moose
Associate Justice



Clarence Boyd
Associate Justice

ATTEST:



Clerk of Courts