



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

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SALT RIVER TRIBAL COURT
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MB

JESSIE CORREA,

Appellant,

-v-

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY,**

Appellee.

Case No.: AP-25-0006

(CR-24-0119)

ORDER DISMISSING APPEAL

Before, AUSTIN, REES, and BENDER, Justices of the SRPMIC Court of Appeals.

ORDER DELIVERED BY JUSTICE REES PER CURIAM.

This is an appeal of the Community court's Judgment of Conviction & Sentencing Order, issued on July 14, 2025. A jury found the Appellant guilty of two counts and the trial court handed down a sentence that included incarceration, probation, and fines. The Appellant filed a Notice of Appeal on July 18, 2025, and simultaneously filed a Motion for New Trial with the trial court pursuant to Rule 23 of the Rules of Criminal Procedure: "Upon the defendant's motion, the court may vacate any judgement and grant new trial if the interest of justice so requires." Rule 23(a).

This Court has jurisdiction to decide "[a]ppeals from all judgements of conviction of the Community court in criminal matters." SRPMIC Code of Ordinances, Section 4-86 (2). Our civil and criminal appellate rules state that in order to "avoid piecemeal litigation, only final orders and judgments should be appealable." Rules of Criminal Appellate Procedure, Rule 2(b). This Court previously held in a civil case that if "a party attempts to bring an appeal from a non-final order and there are further proceedings to be had in the lower court, it is an interlocutory appeal," and "we do not have jurisdiction to hear interlocutory appeals." *In the Matter of the Estate of: Lynford Edwardo Lopez, Sr.*, AP-23-3002/3003 at 4. Given that the same rule is found in both the civil and criminal appellate rules, it only makes sense to extend our holding to criminal cases.

In this case, by filing a Motion for New Trial, the Appellant has essentially made this an interlocutory appeal. The Community court could very well grant the Motion for a new trial, setting aside the Judgment of Conviction & Sentencing Order. So practically speaking, when a party files a motion in Community court seeking post-trial remedies, there are further proceedings to be had because the Community court must make a determination on the motion. To avoid muddying the jurisdictional waters, this Court cannot exercise jurisdiction where post-trial remedies have been sought but not yet disposed of by the Community court.

If the Appellant's Motion for New Trial is denied by the Community court, they may file an appeal, provided that they meet the timeline provided in law. That appeal is not limited to the denial of the Motion for New Trial and can include an appeal of the Judgement of Conviction & Sentencing Order.

The appeal is **DISMISSED**.

SO ORDERED this 13th day of August, 2025.

Electronically approved 8/13/25

/s/

Joseph Austin, **Justice**

Electronically approved 8/13/25

/s/

Joshua Rees, **Justice**

Electronically approved 8/13/25

/s/

Paul Bender, **Justice**

