



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

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SALT RIVER TRIBAL COURT
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MB

JESSIE MAE CORREA,

Appellant,

-v-

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

Appellee.

Case No.: AP-25-0008

(CR-24-0119)

**ORDER GRANTING
MOTION TO DISMISS**

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

This matter comes to us on Appellee’s *Motion to Dismiss Appeal for Failure to Serve Principal Brief*, filed on October 22, 2025. Appellee argues that Appellant failed to serve her Principal Brief as required by Rule 8(a) of the Rules of Criminal Appellate Procedure, which states that “all papers filed by any party shall, at or before the time of filing, be served by the party on all other parties to the appeal.” Appellee asserts that it was not served with Appellant’s brief by any means—physical, electronic, or otherwise—and only learned of the filing through its own inquiry to the Court Clerk.

In reviewing the Parties’ pleadings, it appears that Appellant filed her principal brief on September 11, 2025. However, no copy was served on the Office of the Prosecutor until October 22, 2025, over six weeks later, and only after Appellee inquired about the missing service. Appellant concedes that service was not made timely due “to an oversight by support staff” and a “clerical error” but argues that dismissal is not warranted. Appellant proposes a simple remedy that the Appellee be granted 21 days from actual receipt of the brief to respond or upon receiving an order from this Court denying the dismissal.

For the foregoing reasons we GRANT the Appellee’s *Motion to Dismiss Appeal for Failure to Serve Principal Brief*.

We must balance the important requirement of substantial justice and fairness found in Rule 1, with the need for mandating the strictest adherence possible to our Appellate Rules, in an effort to maintain control of the proceedings to which this Court is entrusted. The case at hand raises just such a conundrum.

The Parties reference various cases outside of our jurisdiction. While those cases are not controlling and may be used as persuasive authority, we need to look no further than our own case law to resolve this issue. In prior cases, we required strict compliance with procedural rules, such as in *Wilson v. Enas*, CACS-15-0001 (SR App. Ct. Apr. 2, 2015). In that case, we dismissed an appeal when the appellant filed a notice of appeal one day late because timely filing of a notice of appeal is not only mandated but also required to secure our appellate jurisdiction. Rule 3(a) states that a party seeking to appeal an adverse judgment or ruling “shall have 14 calendar days” to file a notice of appeal. The appellant did not adhere to that mandatory timeline.

Appellee references an Order that we issued in *Carillo v. Salt River Pima-Maricopa Indian Community*, AP-23-001 (SR App. Ct. Aug. 9, 2023), where we allowed for an extension of time for the appellant to file their principal brief. In that case, the appellant submitted a request for an extension of time and the appellee opposed it. We held that Rule 1 “allows this Court to apply procedural rules on a spectrum that ranges from rigid to liberal. The pursuit of substantial justice and fairness to parties guides our hand in how we apply the rules in this Community. Sometimes a rigid application promotes justice and fairness and sometimes a more flexible approach should be taken.” We chose to take a liberal approach in that case because the applicable rule afforded us with that discretion and the circumstances warranted it. This case is different.

Rule 8(a) states in pertinent part: “[c]opies of all papers filed by any party shall, at or before the time of filing, be served by the party on all other parties to the appeal...” (emphasis added). The operative word is “shall.” The use of the word “shall,” as opposed to “should” or “may”, makes the service requirement in Rule 8(a) mandatory. We cannot ignore mandatory language in our rules and permitting a party to proceed after not adhering to a mandatory rule creates an exception where none existed. See *In the Matter of P.M.R.*, AP-24-0001, pg. 4 (SR App. Ct. Dec. 15, 2023) (“We will construe the language of a rule liberally, if necessary, to achieve substantial justice and fairness to the parties. However, we will not construe a rule so liberally that it loses its original intent, and we will not use language in a rule to create something that never existed.”). Allowing parties to flout mandatory rules creates bad practices where parties will expect exceptions to mandatory rules. We cannot create case law for that to happen. We expect all legal counselors who appear before us to be familiar with our appellate rules and we will hold them to a high standard of practice, which the Community expects.

Appellant argues that dismissing this appeal will deny her of her day in court. However, Appellant was given her day in court and was tried according to a jury of her peers. If she sought an appeal, then she must follow our rules of appellate procedure. Fairness is inherent in our rules in that all legal counselors know them and expect each other to follow them. This creates a level playing field and substantial justice.

Also of importance to this Courts’ decision is the fact that the Appellant’s legal counsel provided certification that its Principal Brief had been served on the Appellee. By their own admission this certification was false, which is a violation of Salt River Rule of Professional Conduct 3.1. Accordingly, we issue this statement to all legal practitioners: this Court will not condone the sloppy practice of law, and violations of our rules carry sanctions. The sanction here is dismissal of this appeal.

