

FILED JAN 21 1998

IN THE COURT OF APPEALS OF THE
SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY
GARRIE L. SVENDAHL
CLERK OF COURT

cls

Vance Gillette,
Appellant,

vs.

Karen Anderson, Barbara
Anderson and Keith
Anderson,

Appellees.

Case No. 014-97

MEMORANDUM DECISION AND ORDER

Before Judge John E. Jacobson and Judge Henry M. Buffalo, Jr..
Judge Robert A. Grey Eagle took no part in this decision.

On September 2, 1997, this Court decided the appeal of Vance
Gillette from the decision the February 10, 1997 Order of Judge
Robert Grey Eagle. On September 12, 1997, citing no rule of this
Court, Gillette filed a "Brief for Rehearing", asking us to
reconsider our September 2 decision. Pursuant to a scheduling
order of the Court, the Appellees filed a responsive brief on
October 23, 1997, and Gillette filed a reply brief on October 31,
1997.

Gillette seeks (1) a clarification of our September 2, 1997
decision, with respect the amounts which Judge Grey Eagle awarded
to Gillette, and (2) a reconsideration of our September 2, 1997
decision--because, in his view, the decision misconstrued the
record developed before Judge Grey Eagle and misapplied the law.

He also now, for the first time, seeks interest on all amounts owing to him in this litigation.

As to the first matter, Judge Grey Eagle awarded to Gillette, from the Appellees, thirty percent of the amount of the first per capita payment that was made to each of the Appellees by the Shakopee Mdewakanton Sioux (Dakota) Community. The dollar amount of the award to which Gillette was entitled, under Judge Grey Eagle's order, was \$2,333.86 from each Appellee--\$7,001.58, in total. It was the intention of this Court, on September 2, 1997, to affirm Judge Grey Eagle's decision in all respects; but we were under the erroneous impression that Judge Grey Eagle's award already had been paid by the Appellees. We therefore concluded our opinion by saying--

Accordingly, having made the payments which they have made to Gillette, the Appellees have met their responsibility to him.

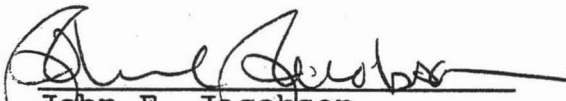
Gillette asks that we amend our September 2, 1997 decision to make it clear that, to the extent the payments ordered by Judge Grey Eagle have not been made, they should be made; and given our intent, on September 2, we think that is appropriate. If they have not been made, the payments owing to Gillette under Judge Grey Eagle's order, are to be made by each of the Appellees.

No other matter raised by Gillette in his "Brief for Rehearing" or his reply brief is properly before us. Gillette had a full opportunity to argue all of the issues he felt were appropriate for this Court's consideration, in his initial appeal. We weighed his arguments, and we rejected them for the reasons set

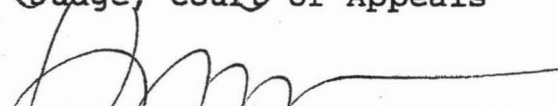
forth in our September 2, 1997 decision. The rules of this Court do not speak to rehearings following final decisions of the Court of Appeals; and there is nothing in the record of this case that would make such a rehearing appropriate.

Accordingly, the September 2, 1997 decision of the Court of Appeals in this matter is clarified as aforesaid, and the Appellant's request for rehearing is denied.

January 20, 1998



John E. Jacobson
Judge, Court of Appeals



Henry M. Buffalo, Jr.
Judge, Court of Appeals