

The Rules do not define “obvious error,” and this Court has yet to define the term. In this context, the term “obvious error” is synonymous with “clear error.” See *Puckett v. United States*, 566 U.S. 129, 135 (2009) (using the terms interchangeably). Black’s Law Dictionary defines “clear error” as “[a] trial judge’s decision or action that appears to a reviewing court to have been unquestionably erroneous.”¹ Black’s Law Dictionary (11th ed. 2019). Here, the Trial Court relied on *Nation v. Nunez*, Case No. CR2022-0362-1-4 (Tr. Ct. Feb. 6, 2023), to explain why it was denying the Nation’s motion to appoint Mr. Salcido counsel. The *Nunez* case is scheduled for publication, and the Nation did not appeal the Trial Court’s ruling in *Nunez*. Thus, the Trial Court’s decision was not obvious or clear error.

The Nation also raises arguments related to the Trial Court’s ruling on Mr. Salcido’s Motion to Dismiss based, in part, on his right to a speedy trial. The Nation, however, sought an interlocutory appeal from the April 27, 2023, Order which solely addressed the Nation’s Motion to Appoint a State-Licensed Attorney. The Trial Court’s Order on Mr. Salcido’s Motion to Dismiss was on April 10, 2023. Therefore, the speedy trial issue is not properly before this Court.

The Court denies the interlocutory appeal. The Court also denies the Nation’s Motion to Stay and Motion to Extend Time to File an Opening Brief.

Dated June 29, 2023



Hon. Tessa L. Dysart
For the Panel

¹ Black’s Law Dictionary defines “obvious error” as “A standard of review that applies to unobjected-to actions and omissions at trial that are so seriously prejudicial as to result in manifest injustice.” Black’s Law Dictionary (11th ed. 2019). That definition does not apply to this particular circumstance since the Nation did object to Trial Court’s actions below.

