

IN THE SUPREME COURT OF THE
MISSISSIPPI BAND
OF CHOCTAW INDIANS

FILED

JUL 29 2003

CHOCTAW SUPREME COURT
BY: Melissa Jenkins
COURT CLERK

Mississippi Band of Choctaw Indians,)
Complainant-Appellee,)
)
V.)
)
Willie M. Ben,)
Defendant-Appellant.)

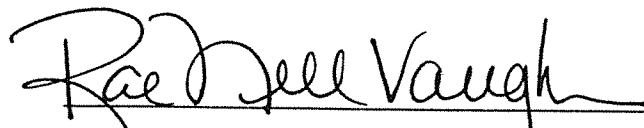
CS 2001-11
CS 2001-13

ORDER OF
DISMISSAL

The appeal in this matter is based solely on the sufficiency of the evidence. Yet the Appellant did not challenge the sufficiency of evidence at trial as a matter of law or fact. He presented no evidence, called no witnesses, and made no motions concerning the sufficiency of the Tribe's evidence. As a result of this failure, Appellant is deemed to have waived any right to raise said issues on appeal. As a necessary corollary, in light of the uncontroverted testimony of the arresting officers and the absence of any evidence to the contrary, there clearly is sufficient evidence as a matter of law to sustain the Appellant's conviction.

For the above stated reasons, the Appellant's appeal is hereby dismissed.

IT IS SO ORDERED this 29th day of July, 2003.


Rae Nell Vaughn, Chief Justice