

IN THE SUPREME COURT OF THE
MISSISSIPPI BAND OF CHOCTAW INDIANS

MISSISSIPPI BAND OF CHOCTAW)
INDIANS,)
) Plaintiff/Appellee,)
v.)
))
WILBERT CONCHO,)
) Defendant/Appellant.)
))

CRIMINAL NO. CR 0000069-06
) SCT: 2006-02

ORDER

On September 14, 2006, the Defendant Wilbert Concho, filed a *pro se* document with this Court captioned "Motion to Dismiss and for Writ of Habeas Corpus." In this document Mr. Concho alleges that on July 4, 2006, he, along with David Lee Bell and Alan David Bell were arrested by Tribal law enforcement officers and charged with assault on, and theft from, a "female Choctaw Indian."

Petitioner Concho further alleges that his co-defendants David Lee Bell and Alan David Bell are members of the Mississippi Band of Choctaw Indians and were represented by the Mississippi Band of Choctaw Legal Defense Office. As a result of this representation, it is alleged that both of these defendants secured release on bond and a prompt disposition of their cases in Tribal Court. Petitioner Concho further alleges that he is a Zuni Indian and that despite his request, he has not been appointed any legal representation and has had no bond hearing in Tribal Court.

Mr. Concho also alleges that on May 11, 2006, he was indicted on federal charges growing out of this series of events, but he subsequently posted a "\$10,000 corporate surety bond" and was released from federal detention on July 10, 2006. Nevertheless, Mr. Concho asserts he was rearrested by Choctaw Police on July 21, 2006 and remains there to this day. As a result, Mr. Concho claims he has been denied his right of due process, his right to counsel, and his right to a speedy trial under the Tribal Constitution and Indian Civil Rights Act, 25 USC § 1302.

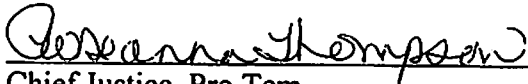
Normally this Court would have neither jurisdiction to hear a motion to dismiss a criminal case that has not been fully adjudicated in the trial court nor to grant a writ of habeas corpus based on an assertion of original jurisdiction, but it does have inherent jurisdiction to deal with emergency matters arising under exigent circumstances that threaten manifest injustice. This is such a case.

As a result, the Court orders that:

- 1) That the Motion/Writ be immediately remanded to the trial court and that the trial court hold a hearing on said Motion/Writ no later than 5:00 p.m., Thursday, September 21, 2006;
- 2) That Mississippi Band of Choctaw Legal Defense Office is hereby appointed to represent Mr. Concho on a pro bono basis; and
- 3) The document filed with this Court does not indicate whether it was served on the Tribe or the individual in charge of Mr. Concho's detention and thus service of the Motion/Petition shall be further served on the Tribe by the Clerk of the Supreme Court of the Mississippi Band of Choctaw Indians.

IT IS SO ORDERED.

For the Court


Chief Justice, Pro Tem
Roseanna Thompson

Dated: September 20, 2006

CERTIFICATE OF SERVICE

I do hereby certify that I have this, the 20th day of September, 2006,
2006 caused to be forwarded via hand delivery, a true and correct copy of the above
and foregoing document to the below listed counsel of record.

Chris Collins
Honorable ~~Peggy~~ Gibson
Choctaw Tribal Judge
Choctaw, MS. 39350

Honorable Don Kilgore
Office of the Attorney General
Choctaw, MS. 39350

Honorable Rita Jones
Choctaw Legal Defense
Choctaw, MS. 39350

Mrs. Carol Roth
Choctaw Tribal Court
Choctaw, MS. 39350

Melissa Finley

MELISSA FINLEY, SUPREME COURT CLERK