

**FILED**

**AUG 06 2012**

**CHOCTAW SUPREME COURT  
BY: [Signature]  
COURT CLERK**

**IN THE SUPREME COURT  
OF THE  
MISSISSIPPI BAND OF CHOCTAW INDIANS**

**MISSISSIPPI BAND OF CHOCTAW INDIANS**

**APPELLEE**

vs.

**SC 2012-02**

**ISALAH R. MINGO**

**APPELLANT**

**JUDGMENT**

This matter is presented to this Court on behalf of the Appellant asserting misconduct by the presiding Judge and/or the Bailiff. Apparently, this Court does not have the availability of a transcript. Appellant contends no record is needed as the alleged actions took place "off the record." Appellant argues that a record should be a precedent to a ruling by this Court.

The Tribe has adopted its Criminal Rules of Procedure. Rule 23, which is self-explanatory, is controlling. It sets forth a post-trial procedure that would insure a record if timely made. Appellant did not avail himself <sup>of</sup> this avenue according to the documents presented to this Court. Rather, Appellant sought relief directly from this Court.

This Court does presume the Lower Court's actions and rulings are impartially and lawfully rendered without identifiable relevant evidence to the contrary.

In this case, there is no relevant evidence or a post trial record with its corresponding ruling for this Court to review. The Criminal Rules were established to eliminate the very debate that these parties are now having to litigate. The unrecorded recollections, lacks the verifiable evidentiary standard which would provide needed evidence on possible trial errors, if any.

**IT IS THEREFORE ORDERED AND ADJUDGED** that this Appeal is Dismissed and the ruling of the Lower Court is affirmed. Any Stay of the Lower Court as a result of this Appeal is lifted and the prior Judgment shall remain as rendered.

**SO ORDERED** on this 6 day of August 2012.

*[Signature]*  
Chief Justice Hilda Nickey

*[Signature]*  
Associate Justice Robert Jones

