

FILED

MAY 31 2013

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

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

PLAINTIFF/APPELLEE

VS.

CR. CAUSE NO.: 2012-04

KEITH WILLIS

DEFENDANT/APPELLANT

ORDER

This matter comes before this court because no record transcript is available for the appeal issues to be expressly presented from the lower court.

As is often the case, this action had multiple trial issues and rulings that would be accurately reflected by an available transcript. The defense vehemently denied the defendant's guilt and objected to a retrial because of the doctrine of double jeopardy. The Tribe argues that it was not the fault of the Tribe that legal issues of mistrial and double jeopardy reared it's factual head during the prosecution.

The defendant was charged with a Class "A" crime with an eventual verdict adverse to his interests. The Tribe would believe the conviction should stand, but recognizes any defendant's due process right to effectuate an appeal.

It will serve no judicial service to reinvent the factual wheel in this case. We need only to reconcile the difficulty in which we all find ourselves.

Notwithstanding the time to be invested by all, but being findful of the Tribes interest to protect its members against violent crimes and giving due fairness to the defendant, a new trial is necessary and mandated.

IT IS THEREFORE ORDERED AND ADJUDGED that a new trial is hereby ordered in this case subject always to the standard procedures available to all parties in the lower court.

ORDERED this the 29th day of May, 2013.

Chief Justice [Signature]
Chief Judge

Brenda J. [Signature] (JKB)
Associate Justice

Robert D. Jones
Associate Justice

CERTIFICATE OF SERVICE

I do hereby certify that I have this, the 31st day of May 2013 caused to be forwarded via U.S. mail, a true and correct copy of the above and foregoing document to the below listed counsel of record.

Hon. Kevin Brady.
Kevin W. Brady Law Office, PLLC
109 Millcreek Corners, Ste B
P.O. Box 4055
Brandon, MS 39047

Hon. Jay Kilpatrick
Young-Williams Law Firm
210 East Capitol St., Ste. 2000
Jackson, MS 39201

Hon. Don Kilgore
Office of The Attorney General
Mississippi Band of Choctaw Indians
Post Office Box 6258
Choctaw, MS 39350

Hon. Peggy Gibson
Choctaw Criminal Court Judge
Choctaw, MS
(Hand Delivery)



Jane Charles, Supreme Court Clerk

