

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

FILED

FEB 21 2013

CHOCTAW SUPREME COURT
BY [Signature]
CLERK

Kristopher Otter

vs.

SC 2012-05

Mississippi Band of Choctaw Indians

Appellee

Before Chief Justice Hilda F. Nickey, Associate Justice Brenda T. Pipestem and
Associate Justice Robert D. Jones

Per Curium

OPINION AND JUDGMENT

This matter is before the Court on Appellant's Interlocutory Appeal and the Tribes' Answer and Motion To Reconsider.

This Court heard oral arguments and after reviewing the pleading this Court considered the procedure set forth in the Interlocutory Appellate Procedure Rule §7-1-10(1). The Choctaw Tribal Code (CTC) set the time frame as fifteen (15) days within which an Interlocutory Appeal must be filed. The CTC does not exclude weekends and/or holidays. The hearing from which the Interlocutory Appeal is taken was held on November 2, 2012. The Interlocutory Appeal was perfected on November 20, 2012. It is not alleged that November 19, 2012 was a holiday.

The initial inquiry raised by the Tribe is whether the appeal was timely filed. Appellant argues that for computation purpose that weekends should be excluded. The tribe disagrees.

The Interlocutory appeal filed on November 20, 2012 was not timely filed. Therefore, the Motion To Reconsider is granted and the Interlocutory Appeal is dismissed.

So Ordered on this the 21st day of February 2013.

[Signature]
Chief Justice

[Signature]
Associate Justice


[Signature]
Associate Justice

CERTIFICATE OF SERVICE

I do hereby certify that I have this, the 22nd day of February 2013 caused to be forwarded by the United States Mail, a true and correct copy of the above and foregoing document to the below listed counsel of record.

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