

FILED

JAN 16 2014

CHOCTAW SUPREME COURT  
BY:   
COURT CLERK

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

Donovan King

Appellant

vs.

SC 2013-05

Mississippi Band of Choctaw Indians

Appellee

**Order Granting Motion To Reconsider Order Directing Appellant's Preparation of Statement of Evidence in Lieu of Availability of any Transcript of Lower Court Proceedings and Granting New Trial**

Appellant's arguments in the Motion to Reconsider Order Directing Appellant's Preparation of Statement of Evidence in Lieu of Availability of any Transcript of Lower Court Proceedings are well taken. Appellant timely filed a Notice of Appeal from a conviction rendered against Appellant in the Choctaw Tribal Criminal Court in cause number 2012-1694 on April 16, 2013. Trial Court Judge Honorable Melba Smith is no longer a member of the Court bench, and Appellant is no longer being represented by Honorable Ashley Lewis who was counsel at the trial court level.

Therefore, due to lack of a recording and transcript of the initial lower court proceeding, the Appellant's inability to prepare an appropriate statement of evidence without a transcript, and the fact that the trial judge of record is no longer a member of the court bench, the Court vacates the lower court conviction and remands for a new trial.

**ORDERED AND ADJUDGED** this, the 16<sup>th</sup> day of January, 2014.

  
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KEVIN BRISCOE, CHIEF JUSTICE


**CERTIFICATE OF SERVICE**

I do hereby certify that I have this, the 16th day of January, 2014 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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Jaye Charles, Supreme Court Clerk