

CHOCTAW TRIBAL SUPREME COURT  
OF THE  
MISSISSIPPI BAND OF CHOCTAW INDIANS

FILED

APR 07 2014

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

Stuart Nickey

Appellant

vs.

SC 2013-06

Mississippi Band of Choctaw Indians

Appellee

AMENDED ORDER ON CASE WITH NO TRANSCRIPT AVAILABLE

Whereas, this Court by previous Order files this, "Amended Order On Case With No Transcript Available" with respect to the above referenced case and the previous "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". The Appellant timely filed a Notice of Appeal from a conviction rendered against Appellant in the Choctaw Tribal Criminal Court in cause number CR2013-972 on October 22, 2013. However, the Court has been advised that transcription of the record is not possible. Apparently, the equipment was not working properly during the hearing or the testimony was not effectively preserved. Thus, regardless of the reason, no transcript can be made available.

Therefore, due to lack of a recording and transcription of the initial lower court proceeding the Court vacates the lower court conviction and remands for a new trial.

SO ORDERED AND ADJUDGED this, the 7th day of April, 2014.



*[Signature]*  
Kevin Briscoe, Chief Justice

CERTIFICATE OF SERVICE

I do hereby certify that I have this, the 7<sup>th</sup> day of April, 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.

Hon. Kevin W. Brady  
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Jane Charles, Supreme Court Clerk