

FILED

NOV 21 2016

CHOCTAW SUPREME COURT
BY: *J. Williams*
COURT CLERK 3:17pm

IN THE SUPREME COURT
MISSISSIPPI BAND OF CHOCTAW INDIANS

MARC ANDERSON

APPELLANT

vs.

CAUSE NO. SC 2014-08

MISSISSIPPI BAND OF CHOCTAW INDIANS

APPELLEE

AGREED ORDER REMANDING CASE TO LOWER COURT

THIS DAY THIS CAUSE CAME ON FOR HEARING, on the Appellant Marc Anderson's appeal of the guilty verdict in the trial court on the charge of Battery, Class "B" and the parties having fully briefed the issues before the Court and agree there are multiple reasons for this case to be remanded to the lower court for a new trial, the court after having considered same, does hereby order as follows;

I.

That this Court has jurisdiction over the parties and subject matter in the above-styled and numbered cause.


II.

The Appellant and Appellee in this cause agree that the case of Marc Anderson should be remanded to the lower court due to the incompleteness of the transcript, questions regarding the jury instructions offered and/or given and also the actions of Juror 5 during the polling of the jury.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that the jury verdict remanded, against Marc Anderson on the charge of Battery, Class "B" is reversed and this matter is hereby remanded to the lower court for a new trial.

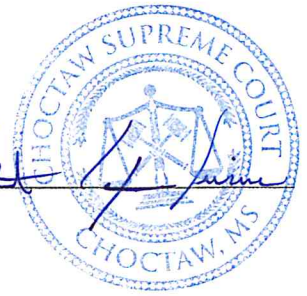
SO ORDERED, ADJUDGED AND DECREED, this the 21st day of November, 2016

AGREED:


STEVEN D. SETTLEMIRE
ATTORNEY FOR MARC ANDERSON


KEVIN PAYNE
ATTORNEY FOR MBCI


JUDGE




CERTIFICATE OF SERVICE

I do hereby certify that I have this, the 22nd day of November, 2016 caused to be forwarded by the United States Mail and/or Hand Delivered, a true and correct copy of the above and foregoing document to the below listed counsel of record.

Hon. Steven D. Settlemires
Settlemires & Graham
410 East Beacon Street
Philadelphia, Mississippi 39350

Hon. Kevin Payne, Special Prosecutor
Mississippi Band of Choctaw Indians
Attorney General's Office
Choctaw, Mississippi 39350
(Hand Delivered)

Hon. Peggy Gibson
Choctaw Criminal Court
Choctaw, Mississippi 39350
(Hand Delivered)


Jane Charles, Clerk of Court
Choctaw Tribal Supreme Court