

FILED

OCT 07 2014

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

SC 2014-09  
APPELLEE

VS.

CR. NO.: 2014-456

MALLORY L. WILSON

APPELLANT

NOTICE OF APPEAL

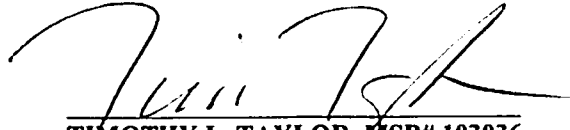
COMES NOW, Timothy L. Taylor, Attorney of Record for the Appellant, Mallory L. Wilson, and files this, *Notice of Appeal* to the Clerk of the Choctaw Tribal Supreme Court pursuant to §7-1-3 of title VII of the Choctaw Tribal Code, from the Judgment and Sentence of the Tribal Criminal Court, in that the Tribal Criminal Court Lay Judge, Peggy Gibson, abused her authority by presided over the jury trial in which found the named Defendant guilty of Battery Class “B.”

The named Defendant, as a teacher of the Pearl River Infant and Toddler Center who playfully touched a minor relative child was found guilty of criminal battery and sentenced to ninety (90) days in adult detention. Said position was disingenuously argued by the Tribal Attorney General’s Office. Said conduct by the Judge and the Attorney General’s Offices violates Article X – Rights of Indians, Sec. 1(h), **The Tribe in exercising powers of self-government shall not: *Deny to any person within its jurisdiction the equal protection of its laws* or deprive any person of liberty without due process of law.**

Furthermore, any *Motion to Reconsider* would be absolutely futile because at the end of the sentence the named Lay Judge told the Defendant, “if your not happy with the verdict she can file an appeal to the Choctaw Supreme Court,” and of course, pursuant to the Choctaw Tribal Code there are no other enrolled tribal member criminal court judges

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that fulfill the necessary qualifications set forth therein. In addition, the Appellant respectfully request immediate release from adult detention pending appeal on this criminal case pursuant to §7-1-5(2) & (3), a *Stay Pending Appeal; Bond*, respectively.



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**CERTIFICATE OF SERVICE**

I, Timothy L. Taylor, do hereby certify that I have hand delivered, and/or emailed a true and correct copy of the foregoing Notice of Appeal to:

**HONORABLE PEGGY GIBSON**  
Choctaw Tribal Court Judge  
Smith John Justice Complex  
Choctaw, Mississippi 39350

**HONORABLE KEVIN PAYNE**  
Mississippi Band of Choctaw Indians  
Attorney General's Office  
Choctaw, Mississippi 39350

on the 6<sup>th</sup> day of October, 2014.



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