CHOCTAW TRIBAL SUPREME COURT

OF THE

MISSISSIPPI BAND OF CHOCTAW INDIANS

PRISINDA ISAAC	**APPELLANT**
v.	**NO: SC 2015-06**
MISSISSIPPI BAND OF CHOCTAW INDIANS	**APPELLEE**

OPINION AND ORDER

PRELIMINARY STATEMENT: Appellant Prisinda Isaac herein appeals her August 27, 2015 jury trial and two-count conviction on charges of Battery and of Assault, and her 120-day jail sentence and ordered payment of a $350 fine. She was directed to serve 10 days on weekends and off-days with the remaining 110 days suspended and placement on supervised release. Her principal claim we take up is that the prosecution and the trial court wrongfully interpreted CRE Rule 801(d)(2)(A) in a way that effectually precluded on "hearsay" grounds defendant's ability to testify before the jury as to her full side of the story regarding the incident. This constituted "fundamental error." Accordingly, *de novo* appellate review of the record below is in order and on the basis of that review we find the defense motion to dismiss at the close of the prosecution's case-in-chief should have been granted for prosecutorial failure to prove *in personam* jurisdiction over defendant, material element to both charges. Accordingly, we reverse and render on both charges.

Procedural History

Prisinda Isaac was tried in cause number 15-0490 on a charge of Battery, a Class "B" offense under CTC § 3-3-3, in which the victim, Amory Smith, alleged she was willfully, unlawfully, and intentionally pushed down by the defendant. In cause number 15-491 a 17-year-old minor charged defendant with Assault, a class "C" offense under CTC § 3-3-2. That complaint filed on behalf of the minor daughter by her mother alleged defendant used her elbow to strike multiple times a window of a vehicle occupied by her daughter, causing her to feel threatened. Both offenses arose out of the same transaction and occurrence upon Choctaw reservation lands of the Pearl River community.

Jury trial was held August 27, 2015. Only the named victims testified as the prosecution's sole witnesses before the tribe rested its case. Defense counsel then made its motion to dismiss,

arguing that the prosecution had failed to present sufficient evidence and proof of the charges for the case to go to the jury. The trial court denied that motion. Defense counsel then called the defendant to testify as its single witness. The defendant, however, was not allowed to tell fully her side of the story because the prosecutor objected each time she tried to say what her accusers had said to her in the argument leading up to the charges, claiming it was "hearsay" testimony. The court upheld prosecution's objections. The defendant witness finally said: "This is hard. I mean, how am I supposed to make my testimony and I can't explain?" (Trial Tr. p. 74.) After her testimony, closing arguments were made, and defense counsel renewed his motion for a directed verdict of acquittal. The court denied the motion and the jury returned guilty verdicts on both charges.

The court imposed consecutive jail sentences of 90 days on the battery and 30 days for the assault and ordered payment of $350 in combined fines. She was ordered to immediately commence servitude of 10 days on weekends and off-days with the remaining 110 days suspended under supervised probation terms. Defense counsel next requested a stay of jail servitude pending his filing an appeal. That request was also denied.

Defendant filed a motion for reconsideration of judgment August 28th and prosecution's response opposing reconsideration was submitted on September 1st. After 20 days with no court ruling, the motion was deemed automatically denied. A Notice of Appeal was then filed September 22, 2015. Along with the filing of the appeal notice was a request for suspension of the remainder of defendant's sentence pending the appeal's outcome. This Court granted an order of stay September 24, 2018. Oral arguments were had November 3, 2016.

Statement of the Facts

This matter arose out of an encounter between a mother and two young females with whom her years-younger daughter had had an apparently at-times problematic relationship. The parents of the two girls were made aware of the difficulties and both girls knew Ms. Isaac did not want her daughter to be going around them. It was within this context that a situation arose that resulted in the two older girls, one still a minor, filing their respective criminal charges against this appellant.

The record establishes that at around 6:30 pm on the evening of April 16, 2015, the defendant argued with her 15-year-old daughter, minor Isaac, over her school grades. It ended when the young girl fled their home. The mother called for police assistance and when the police had not yet arrived after her waiting about twenty minutes, the mother went out searching the roads for her minor daughter. The mother eventually came upon a parked vehicle in the vicinity that she knew to be owned by the father of one of the two older girls her daughter was not supposed to associate with. The defendant parked blocking the car, went to the driver's window and asked the driver, the 17-year-old-minor, who was in the passenger seat. Defendant then told the passenger, who turned out to be Amory Smith, to get out of the car. Amory testified she got out

of the car on the passenger side "[a]nd I went to her side, and then she started yelling at me and she pushed me down." (Trial Tr. p. 12.) Defendant later testified they were faced off against each other and Amory was backing away and tripped, falling on her rear end. She immediately got back up and continued arguing. The 17-year-old-minor testified she did not see any push or trip, but only saw Amory on the ground.

As to the assault charge, the 17-year-old's account was that she got back into the car on the driver's side, locked the car doors and rolled up the windows, and became frightened because the defendant banged her elbow against the outside of the passenger side window several times and tried to open the passenger side door, angrily demanding that the 17-year-old-minor tell her where her daughter (minor Isaac) was. At some point defendant's daughter came out of the woods and appeared on the scene. Shortly thereafter police arrived and the altercation ended.

After the tribal prosecution rested its case-in-chief, defense counsel made its "motion to dismiss based upon the failure of the prosecution to prove their case." (Trial Tr. p. 60:18-21.) The trial court denied defense's motion.

Defendant Prisinda Isaac testified as the single defense witness. The mother had hardly started to testify about what words were exchanged between her with the two girls before the tribal prosecutor twice objected to defendant testifying about what the 17-year-old-minor, and next Amory, said to her during their argument. He said it was inadmissible hearsay testimony. The trial judge sustained both objections, thereby effectively blocking the defendant from telling the jury her side of the story. This case ultimately went to the jury to decide without the jurors ever being able to hear the defendant's full version of what was said to her by either of the two girls.

Standard of Review

The Court adopts the "*de novo*" standard for conducting our appellate review, for this case pits the lower court's interpretation and application of CRE Rule 801(d)(2)(A) against the federal and tribal constitutional guarantees of the due process clause essential to the adversary process; the compulsory process clause of the sixth amendment; appellant's First Amendment right of speech; and her right to testify fully in her defense as a necessary corollary to the Fifth Amendment guarantee against compelled testimony." *De novo* review for lower court legal error is appropriate here for we are called upon to pass solely upon a question of law and federal and tribal constitutions.[1] *De novo* review entails our conducting an original appraisal as if considering the question for the first time in light of all the evidence of record to decide whether or not the outcome of the case should be different.

[1] Legal decisions of a lower court on questions of law arising from undisputed facts are reviewed using this standard. It is the purest of reviews, and the primary and principle purpose of appellate tribunals, because with their multi-judge panels and minimal deadlines, appellate courts have more time to research and debate an issue and so are well-suited to determining questions of law, such as we have here.

Analysis and Opinion

Part I - "Hearsay" claim

Appellant's first assignment of error is that "[T]he trial court twice wrongfully sustained the tribal objections that testimony by appellant as to what the alleged victims said to her was hearsay."

At the heart of the controversy over this assignment of error is the proper interpretation of CRE Rule 801(d)(2)(A). The applicable portion of that Choctaw Rule of Evidence at issue is quoted as follows:

> **CRE Rule 801 DEFINITIONS**
> The following definitions apply under this article:
> . . . .
> **(d) Statements Which Are Not Hearsay.**
> A Statement is not hearsay if:
> . . . .
> (2) Admission By Party-Opponent. The statement is offered against a party and is:
> (A) his own statement, in either his individual or a representative capacity,

(CTC Rule 801(d)(2)(A).)

The Tribal prosecutor claims both attempts by Presinda Isaac to tell the jury what the two girls said to her during the confrontation were "hearsay" and therefore her attempts to testify to the jury about what the girls had said to her constituted inadmissible evidence. Appellee's brief argues that the trial judge's sustaining of both of prosecution's objections as inadmissible "hearsay" testimony was correct because, they claim, the Choctaw wording of CTC Rule 801(d)(2)(A) is not meant to establish a clear exemption of testimony offered against a party opponent from the legal definition of what generally constitutes inadmissible hearsay. Neither was defendant's testimony otherwise admissible, appellant argued, under any of the several "hearsay" exceptions to the admission of hearsay evidence.

Appellant, on the other hand, argues that the tribal version of CRE Rule 801(d)(2)(A) does establish a clear **exemption** of testimony offered against a party opponent from the legal definition of what constitutes inadmissible hearsay because, just like the Federal Rule of Civil Procedure 801(d)(2)(A), testimony offered against a party is entirely **exempted** from the legal definition of hearsay. Appellant's brief argues that the defendant mother's testimony about what each of the two girls said to her during the encounter should have been allowed to be told to the jury: the trial court ruling to the contrary constituted clear error. In short, the

defendant's testimony about what each of the two girls said to her during the encounter was not hearsay because it was made under her testimonial capacity and circumstance.

The claimed basis for the disagreement over the proper interpretation and application of CRE's Rule 801(d)(2)(A), the Brief of Appellee further argues, is that both the federal and tribal version Rule 801(d)(2)(A) were identical in language until 2011 when the federal version was amended to eliminate the term "admissions" in its subtitle, yet the same CRE Rule's subtitle still maintains that term.[2] This word anomaly, the Tribe argues, somehow makes the Choctaw version's application of the original wording different. However, the tribal appellee acknowledges that the notes of the advisory committee on the 2011 amendment to the Federal Rule 801(d)(2)(A) indicate the word-change was simply for purposes of clarification. Clearly, then, the wording variations between the Choctaw and federal rule language-change are simply "differences without distinctions" and appellee's rationale is vacuous. This Court therefore holds the lower court committed fundamental error both times it sustained the prosecutor's objections.

Although the Court did indulge in the discussion above that merely focuses on the technicalities vs. the non-technicalities of a 2001 slight alteration of words in the Federal Rules of Evidence from their original version that are still retained by our Choctaw Rules of Evidence, a change whose purpose and intent the federal rules advisory committee plainly stated was simply for purposes of clarification, these are superficial arguments of evidentiary procedural rights that are totally eclipsed by the reality that this appellant was denied perhaps the most fundamental of Constitutional rights in criminal law – the right of an accused to testify on her own behalf.

This right of criminally accused to testify on their own behalf is fundamental and sacrosanct. As one legal commentator wrote:

> The right to present a defense is as American as apple pie. Defendants are constitutionally entitled to:
>
> - be heard,
> - effectively present evidence central to their defense,
> - call witnesses to testify on their behalf,
> - rebut evidence presented by the prosecution.[3]

This right is protected by the Confrontation Clause of the Sixth Amendment, the Due Process provisions of the Fifth Amendment, the *Indian Civil Rights Act of 1968* (25 U.S.C. §1302); Article X of the *Mississippi Band of Choctaw Indians Constitution and By-Laws*; a vast array of United States Supreme Court and other lower federal and state appellate court opinions; and a virtual unanimity of legal scholars and treatises.

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[2] CRE Rule 801(d)(2)'s language is: "(2) **Admission** by Party-Opponent. The statement is offered against a party and is:"
FRE Rule (801(d)(2)'s 2011 wording now reads: "(2) An Opposing Party's **Statement**. The statement is offered against an opposing party and:" (Emphasis added to indicate word-change from "admission: to "statement.".)

[3] "The Right to Present the Defense Evidence," by Ed Monahan, **The Advocate, Volume 22, No. 5 (September 2000).**

We turn next, therefore, to germane opinions of the United States Supreme Court that underscore that right of criminally accused to fully testify in their defense in the face of "hearsay' objections. Two Supreme Court opinions bracket the issue before us: *Chambers v. Mississippi,* 410 U.S. 284 (1972) and *Rock v. Arkansas,* 483 U.S. 44 (1987).

Chambers invalidated Mississippi's hearsay rule on the ground that it abridged the defendant's right to "present witnesses in his own defense." *Id.,* p. 302. Furthermore, it even invalidated the rule's application to prevent "hearsay upon hearsay" testimony of defense witnesses. Chambers stood convicted of the shooting death of a policeman after the trial court ruled the defendant could not call to the witness stand an individual who had earlier confessed to the crime in the presence of three other persons, but had later recanted his confession at his preliminary hearing. The trial court refused to grant defense counsel's application to call and cross-examine McDonald as a hostile witness, ruling that to do so would violate the states "voucher" rule, which prohibits the party that called the witness to the stand from impeaching his own witness. The United States Supreme Court ruled otherwise, writing, "The right of cross-examination is more than a desirable rule of trial procedure. It is implicit in the constitutional right of confrontation, and helps assure the 'accuracy of the truth-determining process.'" *Id.*, citing *Dutton v. Evans,* 400 U.S. 74, 89 (1969).

The second issue before the *Chambers* Supreme Court arose when the trial court went on to deny on hearsay grounds the introduction of any testimony of defenses' three witnesses who would have testified that Gable McDonald had also told them or freely said in their presence that he was in fact the person who shot and killed the policeman. The Supreme Court also reversed this second ruling by the trial court. Citing language from *Berger v. California,* the Court in *Chambers* wrote, "[b]ut its denial or significant diminution calls into question the ultimate 'integrity of the fact-finding process' and requires that the competing interest be closely examined." 410 U.S. 284, 295 (citing *Berger v. California,* 393 U.S. 314, 315 (1969)). *Chambers v. Mississippi* therefore teaches that federal, state, or tribal evidence rules or common-law case rulings that prevent admission of evidence must fall if a defendant is prevented by such evidence rules from presenting his or her defense.

The central facts to the second case, *Rock v. Arkansas,* were that the defendant was charged with manslaughter for the shooting death of her husband during an intensely violent physical altercation. She had told one investigating officer that after being grabbed by her throat, choked, and thrown against a wall, "she walked over and picked up the weapon and pointed it toward the floor and he hit her again and she shot him." 483 U.S. 44, 46. She could not remember the precise shooting details, so her attorney twice had her hypnotized by a licensed psychologist in efforts which failed to retrieve her recall of more details. Afterwards, however, she did remember that she had her thumb on the hammer but had not held her finger on the trigger and that the pistol fired when her husband grabbed her arm. A gun expert examined the handgun and found the weapon defective and prone to fire, when hit or dropped, without the trigger's being

pulled. The trial judge held Arkansas's evidence law prohibited using hypnotically refreshed testimony in evidence and it issued an order limiting defendant's trial testimony only to matters remembered before her hypnosis.

The Supreme Court reversed, holding that a criminal defendant had a constitutional right to testify on her own behalf. The court located this right in several constitutional sources. First, the court found it a "'necessary ingredient' of the 14th amendment's due process clause, being essential to due process of law in the adversary process." 483 U.S. 44, 51. Next the court cited the Compulsory Process Clause of the Sixth Amendment, stating that the right to testify is "[e]ven more fundamental to a personal defense than the right of self-representation." *Id.*, p.52. The Court then interpreted the defendant's right to testify fully in her defense in the Fifth Amendment as "a necessary corollary to the . . . guarantee against compelled testimony." *Id.*

Both *Chambers* and *Rock* cases substantially predate that slight 2011 Federal Evidentiary Committee's Rule modification and comment. Therefore, both cases firmly recognize and embrace the principle that whenever application of court evidentiary rules might otherwise impede fundamental constitutional rights and guarantees of the criminally accused in their exercise of their right to present their defense, those evidentiary rules must yield to the accused's constitutional ensurances.

In light of the above, there can be little, or no doubt but that Prisinda Isaac's inability to fully provide her account of what all both girls said (by words or in gestures) to this appellant substantially impacted the jury's verdict on each charge. By sustaining prosecution's "hearsay" objections to testimony clearly exempted from the Choctaw evidentiary rule definition of "hearsay," fundamental error was committed by the lower court ruling.

Part II

De novo review of the Trial Court Record

We have earlier discussed and established that the appropriate standard of review in this case is *de novo.* We also explained in footnote #1 to this opinion that "[l]egal decisions of a lower court on questions of law arising from undisputed facts are reviewed using this standard. It is the purest of reviews, and the primary and principle purpose of appellate tribunals, because with their multi-judge panels and minimal deadlines, appellate courts have more time to research and debate an issue and so are well-suited to determining questions of law, such as we have here."

Appellate courts in theory make decisions on their *de novo* review of the lower court record deciding the case issue(s) "[a]new; afresh; a second time," as if the trial tribunal had not before rendered a decision on the issue(s). *Black's Law Dictionary*, 435 (6th ed. 1990). Generally such reviews, though theoretically unfettered, are not entirely without certain restrictions. In practice, thus, as the appellate court precedes through its record examination, generally those issues newly

perceived by the appellate court but not previously raised or preserved by appellant are not entertained by the reviewing tribunal *sua sponte.* There are, however, exceptions. Thus, an appellant's argument not timely made to the district court may, within the discretion of the appellant court, consider certain errors. Generally, the federal appellate courts have indicated that it *will or may* consider an issue not presented to the district court, as an exception to the general rule, "if: (i) the issue involves a pure question of law and refusal to consider it would result in a miscarriage of justice; (ii) the proper resolution is beyond any doubt; (iii) the appellant had no opportunity to raise the issue at the district court level; (iv) the issue presents 'significant questions of general impact or of great public concern[;]' or (v) the interest of substantial justice is at stake." *L.E.A. Dynatech, Inc. v. Allina*, 49 F.3d 1527, 1531, 33 USPQ2d !839 (Fed. Cir. 1995) (citations omitted); see also *The Federal Circuit Bar Journal,* Standards of Appellate Review in the Federal Circuit: Substance and Semantics, Kevin Casey, Jade Camara & Nancy Wright. Doc. #869018V.1.

These lines of distinction regarding the appropriate level of critical review by an appellate court of the case record are sometimes not clear and this is especially true where "fundamental error" has been committed, prompting de novo review on one issue (such as the CTE 801(d)(2)(A) issue discussed in part one of this opinion), but during the conduct of that *de novo* review an additional error or errors become identified in the appellate review process, but are errors overlooked or in any event not raised by appellant counsel. In those situations, the court has the authority to discretionarily determine that any one or more of the five above considerations may prompt the court *sua sponte* to conduct appellate review of issues not specifically raised on appeal. Here we find criteria (*i*), (*ii*), (*iv*), and (*v*) all prompt review on one particular issue not raised by appellant. Based on this Court's *de novo* review of the court record below, we find that jurisdiction over the person of this defendant was not proved by the tribe before resting its case-in-chief. The issue of jurisdiction over the person falls squarely into considerations (*i*), (*ii*), and (*v*) which prompt or support sua sponte review of issues not before appellate court. However, in regard to the question of jurisdiction identified by the Court during de novo review of the record, this Court is compelled by tribal and federal law to determine whether or not the Court has jurisdiction.

One constant that this Court has assiduously addressed time and time again is whether the court's jurisdiction – whether territorial *(in rem);* personal *(in personam);* or subject matter -- *h*as been duly evidentiarily established. In this instant case after the Tribe announced to the court that it would rest, defense counsel made his standard motion for dismissal. The trial transcript at page 60 reads:

> MR. BRADY: Your Honor, at this time we would make a motion to dismiss based upon the failure of the prosecution to prove their case.

In opposition, the tribe responded *in pari materia:*

> MR. PAYNE: And I would submit that the tribe has met its burden up to this point and that this case should be allowed to go to the jury, Your Honor.

(Trial Tr. p. 63)

The arguments by both counsel in support of their respective stances go facially to the weight and the worth of the evidentiary facts of the incident giving rise to the charges.

By contrast, our independent *de novo* review of the defense claim that the prosecution failed to prove their case instead looks to see if all legal elements of each charge were proven and we find they were not. Tribal courts, like federal courts, are "special jurisdiction" courts, oftentimes also referred to as "courts of limited jurisdiction." The powers, scope, and limitations of jurisdiction on tribal courts are defined and determined by a multitude of sources. Among the many are the inherent sovereign powers of Indian tribes pre-existent and *affirmed* by congress through its 1990 amendment to the *Indian Civil Rights Act*, 25 U.S.C. § 1301(2); the *Indian Reorganization Act of June 18, 1934* (also known as the Wheeler-Howard Act); the *Mississippi Band of Choctaw Indians Constitution and Bylaws* which include those exercised through Article VIII, Sec. 1(m) empowering the Tribal Council to establish and define the powers and duties of the tribal courts; and by their enactments of ordinances and laws defining the powers and duties of the tribal courts; not to mention that massive body of jurisprudence developed through decisional interpretations of federal courts.

Like federal courts, tribal courts must prove jurisdiction as a material element of tribal offense prosecutions. That establishment of evidentiary proof includes that of territorial *(in rem);* personal *(in personam); and* subject matter jurisdiction in all offense prosecutions. This is fundamental to proving a case. As stated in the U.S. Attorneys' Manual: "The status of the defendant or victim as an Indian is a material element in most Indian country offense prosecutions."

This is an issue previously visited on numerous occasions by this Court -- an inordinately large percentage of opinions rendered in recent years have dealt with issues of actual or claimed deficiencies or absences of tribal court jurisdiction in its several aspects. In the case captioned *Mississippi Band of Choctaw Indians v. Frank Milstead, Jr.,* SC 2016-04 (December 18, 2017), for instance, we reversed a Choctaw criminal court's *sua sponte* determination that it lacked *in personam* jurisdiction over a non-tribal member Indian. In *Pierceson Farve v. Mississippi Band of Choctaw Indians,* SC 2014-07 (July 28, 2015), we ruled the Choctaw Tribal Criminal Court lacked *in personam* jurisdiction over a tribal member when the criminal court was being regularly presided over by a nonmember contract attorney judge in contravention of CTC § 1-3-3(g). In *Julian McMillan v. Mississippi Band of Choctaw Indians,* SC 2014-05 (November 6, 2017), a situation similar to *Favre*, this Court held that no criminal jurisdiction attached over the initial trial and conviction, and remand for retrial was not precluded because without jurisdiction in the first proceeding, jurisdiction did not attach such as to trigger the protections of the double jeopardy clause from retrial under a properly presiding judge. The two day care center cases – *Siah Denson v. Mississippi Band of Choctaw Indians*, SC 2015-04 (July 12, 2016*)* and *Mallory Wilson v. Mississippi Band of Choctaw Indians,* SC 2014-09 (December 19, 2016*)*-- could properly be construed as subject matter jurisdiction cases since tribal prosecutors were seeking to criminalize and enforce violations of program regulations governing child care duties and responsibilities, rather than tribal criminal statutes duly enacted by the Tribal Council. The one

constant in all of the above is the core importance of proving proper jurisdiction as a material element of tribal offense prosecutions.

Against this backdrop, when this Court conducted its *de novo* review of the trial transcript, at the point where the prosecution rested its case in chief and defense counsel made its motion to dismiss (also termed a motion for a directed verdict of not guilty) based on the failure of the prosecution to prove their case, our transcript review determined that there had been no testimony nor documentation duly entered into the record proving that the defendant was either an Indian or a tribal member. Therefore, at that point of analysis we find that the defense motion to dismiss or for directed verdict of not guilty should have been granted because, as defense alleged, the prosecution had not yet proven their case by establishing *in personam* jurisdiction over the defendant: a material element of both offense prosecutions. The trial court therefore erred when it denied defense counsel's motion to dismiss.

We recognize that later in the record at the very commencement of the prosecution's cross-examination of defendant that the transcript reads as follows:

> CROSS EXAMINATION
> BY MR. PAYNE:
> Q Ms. Isaac, what community do you live in?
> A Pearl River.
> Q Are you on enrolled member of the tribe?
> A Yes.

(Trial Tr. p. 83). We also recognize that there is some precedential authority supporting the notion that defects in the prosecution's proof during its case-in-chief may, under appropriate circumstances, be rectified at a later stage of proceedings, provided, of course, the defense elects to move forward with its case in defense. We hold here, however, that this is no such appropriate instance to apply that precedent here. Appellant's counsel could hardly have been expected to anticipate that his client's testimony in defense of herself would be so absolutely smothered by the prosecutor's successful objection to CRE Rule 801(d)(2)(A)'s provisions as claimed "hearsay." Had he known she would be so blocked from presenting her defense testimony, there would have been no incentive to take the stand, nor counsel to try to present her defense testimony. Defendant having been denied her most fundamental right to defend herself, this Court will not unjustly enrich the prosecution for curing the jurisdictional defect after presenting its flawed case-in-chief.[4]

[4] So blatant was the nature and extent of this violation of accused's constitutional rights to present a defense that Prisinda Isaac, presumably totally untrained and unversed in the law, queried after the first objection was sustained, "let me stop. I can't say what they said?" And again, after the prosecutor's second "hearsay" objection was sustained, she commented, "this is hard. I mean, how am I supposed to make my testimony when I can't explain?" Trial Tr. p. 73-74.

CONCLUSION

Premises considered, we hereby find and rule that appellant's convictions on both counts are reversed, the sentences vacated, and the case rendered.

SO ORDERED, this the 6th day of August, 2018.

Chief Justice

Associate Justice

Associate Justice

CHOCTAW SUPREME COURT
CHOCTAW, MS

CERTIFICATE OF SERVICE

I, do hereby certify that I have this, the 7th day of August, 2018 caused to be forwarded by electronic mail, 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.

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