

FILED

OCT 17 2017

CHOCTAW SUPREME COURT

BY: *[Signature]*  
COURT CLERK 4:28pm

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

MISSISSIPPI BAND OF CHOCTAW INDIANS

APPELLANT

v.

CAUSE NO. SC2017-01

JERITHAN WILLIS

APPELLEE

MINUTE ORDER

This Court upon review and consideration of the record, briefs, and oral arguments in the above captioned case, hereby reverses Judge Taylors' order dismissing the case with prejudice. The Court finds reversible error with Judge Taylor's finding of a lack of probable cause and lack of exigent circumstances and failure of the tribe to obtain a search warrant. We find the principles recognized in *Brigham City v. Stuart*, 547 U.S. 398 (2006), as an exception to the 4<sup>th</sup> Amendment's warrant requirement controlling whereunder "[o]ne exigency obviating the requirement of a warrant is the need to assist persons who are seriously injured or threatened with such injury. The need to protect or preserve life or avoid serious injury is justification for what would otherwise be illegal absent an exigency or emergency." (Internal quotations and citations omitted).

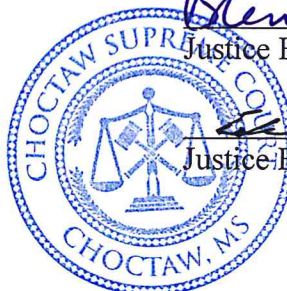
The Court reserves the issue of whether double jeopardy affects the ultimate disposition of this case pending simultaneous briefing of the parties that is due to the Court on or before November 17, 2017.

SO ORDERED this the 17<sup>th</sup> day of October, 2017.

*[Signature]*  
Chief Justice Kevin Briscoe

*[Signature]*  
Justice Brenda Toineeta Pipestem

*[Signature]*  
Justice Edwin R. Smith



**CERTIFICATE OF SERVICE**

I do hereby certify that I have this, the 17th day of October, 2017, caused to be forwarded by the United States Mail or Hand Delivered, a true and correct copy of the above and foregoing document to the below listed counsel of record.

Hon. Kevin Payne  
Mississippi Band of Choctaw Indians  
Office of The Attorney General  
Choctaw, Mississippi 39350  
(Hand Delivery)

Hon. Brian D. Mayo  
Logan & Mayo, P.A.  
205 East Church Street  
Newton, Mississippi

Judge Peggy Gibson  
Choctaw Tribal Court  
Choctaw, Mississippi 39350  
(Hand Delivery)

  
Jane Charles, Clerk of Court  
Choctaw Tribal Supreme Court

