

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

FILED
MAR 28 2018
CHOCTAW SUPREME COURT
BY *[Signature]*
COURT CLERK
2:12pm

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESPONDENT

VS.

SC NO: 2018-03

ERIC V. ISAAC

PETITIONER

**ORDER DENYING PETITIONER'S REQUEST
TO FILE INTERLOCUTORY APPEAL**

Lower Court Criminal Cause Number 2017-09 comes on for consideration of Appellant/Petitioner Eric V. Isaac's Request for Permission to File an Interlocutory Appeal seeking interlocutory review of the March 1, 2018 ruling and order rendered against the Defendant by the Trial Court, the Honorable Peggy Gibson presiding. Defendant's *Ore Tenus* Motion to Recuse alleges the trial judge's ruling was in contravention of Choctaw Rule of Criminal Procedure 10 (d) which provides: "No judge shall sit in any action in which the judge's impartiality may reasonably be questioned under the provisions of the Constitution of the Mississippi Band of Choctaw Indians or the Code of Judicial Conduct, and the judge shall file a recusal in any such action." The Court having reviewed and given due consideration to Petitioner's application, hereby finds as follows:

I.

This Court finds Defendant's allegation, based on his pleadings alone, is of a degree of consanguinity of the Trial Judge's to the alleged victim so distantly generationally removed as to make preposterous any *per se* claim of imputable impartiality under Rule 10 (d), the Tribal Constitution, or the Code of Judicial Conduct.

II.

This Court further finds Defendant's Request for Permission to file Interlocutory Appeal fails to meet the criterion of CTC § 7-1-10 (4) (a) mandating that such appeals be granted only if the lower court has committed an obvious error which would render further lower court proceedings useless.

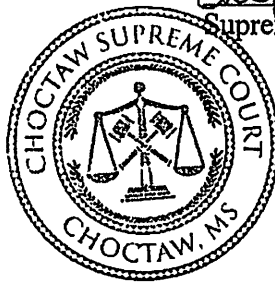
III.

This Court additionally finds Defendant's Request for Permission to File Interlocutory Appeal fails to meet the criterion of CTC § 7-1-10 (4) (a) in that Defendant fails to present a substantial question of law such as would determine the outcome of further lower court proceedings or appeal.

WHEREFORE, premises considered, pursuant to the provisions of CTC § 7-1-10 (4) (a) and the findings above, this Court hereby DENIES Petitioner permission to proceed further by interlocutory appeal, and further

ORDERS the matter remanded to the Criminal Trial Court for further proceedings as appropriate.

SO ORDERED, this the ^r28 day of March, 2018.



[Handwritten Signature]
Supreme Court Chief Justice

CERTIFICATE OF SERVICE

I, do hereby certify that I have this, the 28th day of March, 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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