

FILED

OCT 13 2011

CHOCTAW SUPREME COURT
BY: [Signature]
COURT CLERK

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

**RE: J. W., A MINOR
DOB: 08-18-90**

J. W., A MINOR

APPELLANT

VS.

CAUSE NO.

SC 2009-01

**MISSISSIPPI BAND OF
CHOCTAW INDIANS**

APPELLEE

AGREED ORDER OF DISMISSAL

ON THIS DAY CAME, J. W., a Minor, Appellant, represented by Johnny Pope, and the MISSISSIPPI BAND OF CHOCTAW INDIANS, Appellee, by and through the Office of the Attorney General.

1. That on the 27th day of April, 2009, the Appellant perfected his Notice of Appeal with this Court. That due to the record in this cause not being recorded or duly preserved an official transcript of the proceedings is not available for either party to review and rely upon in preparing for oral argument before this Honorable Court, thus prejudicing both parties in their preparation for pursuing this appeal to completion. The parties have agreed this matter should be dismissed. Additionally, the underlying action involves a minor who is now above the age of twenty-one years. Appellee agrees that upon the dismissal of this cause the Appellant shall not be required to fulfill any sanctions imposed by the lower court which were stayed pending this appeal.

2. That the Clerk of the Court shall destroy both the court records and the law enforcement records in this matter pursuant to Section 11-3-35 of Choctaw Tribal Code.

3. That the transcription deposit of Five Hundred Dollars, (\$500.00) tendered to the Court by Johnny Pope should be refunded to him by the Mississippi Band of Choctaw Indians because a transcript of the proceedings in lower court could not be and was not made.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the appeal filed on April 27, 2009, shall be dismissed and the Appellant shall not be required to fulfill any sanctions imposed by the lower court which were stayed pending this appeal.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Clerk of the Court destroy both the court records and the law enforcement records of J. W., a minor, in this cause pursuant to Section 11-3-35 of Choctaw Tribal Code.

IT IS, FURTHER, ORDERED AND ADJUDGED that the Mississippi Band of Choctaw Indians refund unto Johnny Pope the Five Hundred Dollar, (\$500.00) deposit he tendered unto the Court toward the cost of a transcription of the record.

SO ORDERED AND ADJUDGED, this the 13th day of October, 2011.

Hilda Nickey
CHIEF JUSTICE HILDA F. NICKEY
CHOCTAW SUPREME COURT

AGREED TO
Johnny Pope
JOHNNY POPE, ATTORNEY FOR
APPELLANT

Tanya Phillips
TANYA PHILLIPS, ATTORNEY FOR
APPELLEE

approved. Justice Robert D. Jones
Quota Benh... [Signature]