

CHOCTAW TRIBAL SUPREME COURT
OF THE
MISSISSIPPI BAND OF CHOCTAW INDIANS

FILED

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CHOCTAW SUPREME COURT
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MARY J. BURNS AND MJ'S COFFEE & MORE
MARY J. BURNS, OWNER

APPELLANT

vs.

CAUSE NO. SC 2014-06

MISSISSIPPI BAND OF CHOCTAW INDIANS
d/b/a CHOCTAW SHOPPING CENTER ENTERPRISE;
JOHN HENDRICKS DIRECTOR OF THE OFFICE OF
ECONOMIC DEVELOPMENT FOR THE OFFICE OF
ECONOMIC DEVELOPMENT FOR THE MISSISSIPPI
BAND OF CHOCTAW INDIANS; CHOCTAW TAX
COMMISSION; AND TANYA TULLOS, TAX COMMISSIONER
OF THE CHOCTAW TAX COMMISSION

APPELLEE

TRIAL JUDGE: Honorable Christopher Collins
COURT OF ORIGIN: Choctaw Civil Court
ATTORNEY FOR APPELLANT: John M. Mooney Jr, esq.
ATTORNEY FOR APPELLEE: Diane Maxwell, esq.
NATURE OF CASE: Appeal of Directed Verdict
TRIAL COURT DISPOSITION: May 1, 2014
DATE OF REVISED ORDER: June 11, 2014

DATE OF OPINION AND ORDER: November 10, 2025

OPINION AND ORDER

The Appellant Mary J. Burns and MJ's Coffee & More and Mary J. Burns as owner appeal the verdict issued by the Choctaw Civil Court as ordered in the May 2014 Memorandum Opinion and Order and revised on June 11, 2014, in its Order Revising Memorandum Opinion and Order. Appellant is aggrieved by the findings and order of the lower court.

DISCUSSION

I. *Jurisdiction*

Under its own motion and for the purpose of a complete record this Court finds and states: (a) Owner Mary J. Burns is a member of the Mississippi Band of Choctaw Indians, (b) Appellees were officials and duly authorized departments of the Mississippi Band of Choctaw Indians, (c) the business location was located within the Pearl River Community of the Mississippi Band of Choctaw Indians, (d) the parties subjected themselves to the jurisdiction of the lower court established by Choctaw Tribal Code (“CTC”) §11-1-3, and (e) then voluntarily appealed to this Court which was established by CTC §1-3-2.

This Court finds it has personal jurisdiction over the parties.

II. *Applicable Law*

The Mississippi Band of Choctaw Indians Tribal Council has adopted Choctaw Tribal Code, Title XXV “Tort Claims Act,” which shall be controlling.

III. *Standard of Review*

“A trial judge is accorded the same deference regarding his factual findings as a chancellor and his findings will not be disturbed where there is substantial, credible and reasonable evidence.” *Burns v. MBCI*, p.6 (MBCI Sup. Ct. 2019) (*citations omitted*). Questions of law are reviewed de novo. *Id.*, *Henry v. Henry*, p.8 (MBCI Sup. Ct. 2018) (*citations omitted*).

IV. *Issues Appealed*

The issue on appeal is whether the lower court committed reversible error by finding the doctrine of tribal sovereign immunity barred Appellant’s claims. Appellant raises 10 issues in their appeal:

1. Whether the trial court erred in dismissing the Complaint of Appellant Burns for monetary damages against the Appellees MBCI, et al for an alleged violation of the constitutional rights of a member of the Tribe.
2. Whether the trial court erred in determining that the Tribal Court lacked jurisdiction due to sovereign immunity of the Appellees, MBCI, and that as a result, the doctrine of tribal sovereign immunity as a defense to constitutional claims of Appellant Burns.
3. Whether the trial court erred in determining that the constitutional claims of Appellant Burns are barred under the doctrine of tribal sovereign immunity and thus a complete defense to any such claim for monetary damages.
4. Whether the trial court erred in determining that claims of Burns under the Choctaw Tort Claims Act did not entitle her to recover damages against the MBCI, et al.
5. Whether the trial court erred in determining that Burns' claims were not covered under the Choctaw Tort Claims Act.
6. Whether the trial court erred in determining that the Tribe has sovereign immunity for the revocation of the Business license of Burns.
7. Whether the trial court erred in determining in not holding Tonya Tullos liable for her actions and the damages incurred by Appellant Burns.
8. Whether the lower court has jurisdiction over claims of retaliation and reprisal against Appellant burns by the Tribe and Tribal officials.
9. Whether the trial court erred in finding that the Tribe and Choctaw Tax Commission were not for revoking of the business license or permit of Burns.

10. Whether the trial court erred in finding that the actions of the Tribe and Tribal Officials in revoking business permit or license were exempt from liability under the Choctaw Tribal Code.

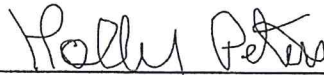
ANALYSIS

It is well established law that The Mississippi Band of Choctaw Indians and its officials operating in their official capacity have sovereign immunity. See e.g., *Turner v. United States*, 248 U.S. 354 (1919); *Puyallup Tribe v. Department of Game*, 433 U.S. 165 (1977). See *Fletcher v. United States*, 116 F.3d 1315, 1324 (10th Cir. 1997) (immunity for officials). Unless such immunity is waived, sovereign immunity acts as a complete bar to all causes of actions. The MBCI has adopted a limited waiver of sovereign immunity as set out in the CTC, Title XXV “Tort Claims Act” for some tort claims brought against the Tribe. However, the Tribe’s Tort Claims Act does not apply in the matter before this Court where Appellant seeks damages for alleged constitutional violations. Appellant failed to present any evidence in which the Tribe waived sovereign immunity for their claims. Further, as this Court discussed in *MBCI v. Peeples*, No. SC-2008-05(2009), the remedy for an alleged constitutional violation is declaratory or injunctive relief. Understanding that Appellant is aggrieved her case was barred from suit and thus receipt of monetary damages due to the sovereign immunity of the Tribe, Appellant, as a member of MBCI, may seek constitutional reforms via a referendum by individual action, or petition the tribal council for modification of existing laws to allow for such claims in the future.

CONCLUSION AND ORDER

Appellant having presented no evidence of a waiver of sovereign immunity for their claims, this Court hereby affirms the decision of the lower court.

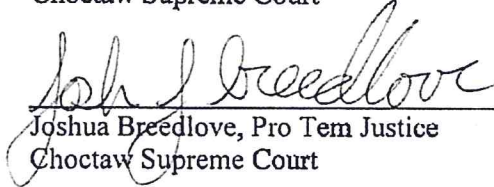
IT IS SO ORDERED, this the 12th day of November, 2025.



Holly Peters, Chief Justice
Choctaw Supreme Court



Brenda Pipestem, Associate Justice
Choctaw Supreme Court



Joshua Breedlove, Pro Tem Justice
Choctaw Supreme Court



CERTIFICATE OF SERVICE

I do hereby certify that I have this, the 12th day of November, 2025 cause to be forwarded by electronic mail, United States mail and/or hand delivered a true and accurate copy of the above and foregoing document to the below listed counsel of record.

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Honorable Christopher Collins
Former Tribal Civil Court Judge
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Previous M.B.C.I. Attorney General was Donald Kilgore & Hon. Tanya Phillips; staff attorney moved from the office of M.B.C.I. Attorney General to a different department.


Jane Charles, Clerk of Supreme Court

