

CHOCTAW TRIBAL SUPREME COURT  
OF THE  
MISSISSIPPI BAND OF CHOCTAW INDIANS

**FILED**  
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CHOCTAW SUPREME COURT  
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MISSISSIPPI BAND OF CHOCTAW INDIANS  
CHILDREN AND FAMILY SERVICES

APPELLANT

vs.

CAUSE NO. SC 2020-02

MICHAEL JIM AND TRISHA WILLIS

APPELLEE

DATE OF JUDGMENT: November 6, 2025  
TRIAL JUDGE: Honorable Holly Peters  
COURT OF ORIGIN: Choctaw Tribal Youth Court  
ATTORNEY FOR APPELLANT: Tanya Phillips, esq.  
ATTORNEY FOR APPELLEE: Timothy Taylor, esq.  
NATURE OF CASE: Appeal of Directed Verdict  
TRIAL COURT DISPOSITION: August 19, 2020

**BEFORE:** Chief Justice Pro Tem Joshua Breedlove, Associate Justice Brenda Pipestem, Associate Justice Chris Collins

**FOR THE COURT: CHIEF JUSTICE PRO TEM JOSHUA BREEDLOVE**

**OPINION AND ORDER**

The Mississippi Band of Choctaw Indians Children and Family Services appeal the directed verdict issued by the Choctaw Tribal Youth Court as ordered in the August 2020 Judgement of Dismissal asserting clear error by the court for relying on arguments based on elements of criminal law and procedure in a civil custody case. Appellant expressly states they do not wish this matter to be remanded back to the lower court.

**DISCUSSION**

I. *Jurisdiction*

Under its own motion and for the purpose of a complete record this Court finds and states: (a) parents and minor child are members of the Mississippi Band of Choctaw Indians, (b)

appellant is a duly authorized department of the Mississippi Band of Choctaw Indians, (c) the parents and minor child reside within the reservation 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 Title XI “Choctaw Youth Code,” 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 sole issue on appeal is if the lower court committed reversible error by granting a directed verdict in favor of the respondents.

## V. *Analysis*

This Court will review the precedence of Mississippi state courts as the Choctaw Tribal Code is silent as to the doctrine of mootness<sup>1</sup>. Cases in which a controversy existed at trial but

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<sup>1</sup> CTC §1-1-4 states, “In all civil actions the Choctaw Court shall apply applicable laws of the United States and authorized regulations of the Secretary of the Interior, and ordinances, customs, and usages of the Tribe. Where doubt arises as to the customs and usages of the Tribe, the court may request the advice of persons generally recognized in the community as being familiar with such customs and usages. Any matter not covered by applicable federal law and regulations or by ordinances, customs, and usages of the Tribe, shall be decided by the court according to the laws of the State of Mississippi.”

the controversy has expired at the time of review, become moot. The Mississippi Supreme Court has held that the review procedure should not be allowed for the purpose of settling abstract or academic questions, and that they have no power to issue advisory opinions. *Insured Savings & Loan Association v. State*, 242 Miss. 547, 135 So. 2d 703 (1961); *McLendon v. Laird*, 211 Miss. 662, 52 So. 2d 497 (1951); *Van Norman v. Barney*, 199 Miss. 581, 24 So. 2d 866 (1946). The MS Supreme Court will not adjudicate moot questions. *Bradley v. State*, 355 So. 2d 675 (Miss. 1978); *Stevens Enterprises, Inc. v. McDonnell*, 226 Miss. 826, 85 So. 2d 468 (1956); *Sheldon v. Ladner*, 205 Miss. 264, 38 So. 2d 718 (1949). *Monaghan*, 393 So. 2d at 466-67. See *Jackson County School Board v. Osborn*, 605 So. 2d 731, 734 (Miss. 1992); *Miss. Ass'n of Educators v. Trustees JMSSD*, 510 So. 2d 123, 126 (Miss. 1987).

In the case before this court, the matter has aged over five years, and it would be purely speculative to assume that the Appellees would be subject to same circumstances. The appellant is not requesting remand on the underlying issue of custody therefore that issue is moot. Further, appellants have continued to operate in the best interests of minor children on the reservation without being unduly burdened by this non-precedential youth court decision. Finally, judicial discretion is fundamental to the operation of the Choctaw Tribal Courts and is subject to review in accordance with the appeal process. This Court is not persuaded that the issues presented cannot be resolved with current law and precedence.

#### CONCLUSION AND ORDER

As there is no live controversy between the parties, this Court finds the appeal moot on its face. Therefore, the Court dismisses, with prejudice, this matter.

IT IS SO ORDERED, this the 6 day of November, 2025.



*Joshua Breedlove*  
Joshua Breedlove, Pro Tem Chief Justice

*Brenda Pipestem*

Brenda Pipestem, Associate Justice  
Choctaw Supreme Court

*Christopher Collins*

Chris Collins, Associate Justice  
Choctaw Supreme Court



**CERTIFICATE OF SERVICE**

I do hereby certify that I have this, the 6<sup>th</sup> 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.

Tanya Phillips, Esq.  
Mississippi Band of Choctaw Indians  
Department of Health Staff Attorney  
Choctaw, Mississippi 39350

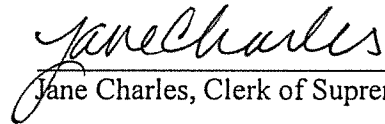
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Jane Charles, Clerk of Supreme Court