

FILED

IN THE DISTRICT COURT OF THE CHEROKEE NATION  
CRIMINAL DIVISION

2017 AUG 10 PM 3:44

CHEROKEE NATION  
DISTRICT COURT  
KRISTI MONCOOYEA  
COURT CLERK

CHEROKEE NATION, )  
Plaintiff, )  
 )  
v. )  
 )  
KIMBERLIE A. GILLILAND, )  
 )  
Defendant. )

CRM-2016-54

**NATION'S MOTION TO COMPEL DISCOVERY**

COMES NOW the Cherokee Nation in the above-styled case, by and through its attorney of record, and hereby respectfully requests that this Court issue an Order compelling the Defendant to comply with the Nation's discovery request, which was filed in this Court on Sept. 2, 2016. The Defendant has not provided the Nation with any of the documents, objects, reports, expert witness summaries, or notice of affirmative defenses which was requested in said motion. Indeed, the Defendant has not provided the Nation with any discovery at all.

The Nation has produced volumes of discovery to the Defendant, including boxes of documents, witness lists, summaries of expected testimony, etc. Although the Nation recognizes that the Defendant does not have the same discovery burden as the prosecution in a criminal case, the Defendant does have to produce some material upon request. The Nation has merely requested that information and material which would be allowable under Federal Rules of Criminal Procedure 16 (having found no similar Cherokee Nation rule), and respectfully requests that this Court order the Defendant to so comply.

Respectfully submitted,



A. Diane Hammons, Special Prosecutor  
Office of the Cherokee Nation Attorney  
General

[adianehammons@gmail.com](mailto:adianehammons@gmail.com)

P.O. Box 141

Tahlequah, OK 74465

**CERTIFICATE OF SERVICE**

On this 10 day of August, 2017, I sent a true and correct copy of this Response to Motion to Dismiss to Mr. Chad Smith, counsel for the Defendant, to [chad@chadsmith.com](mailto:chad@chadsmith.com).

  
A. Diane Hammons