

IN THE DISTRICT COURT OF THE CHEROKEE NATION  
CRIMINAL DIVISION

2017 SEP -5 PM 1:10

CHEROKEE NATION, )  
 )  
 Plaintiff, )  
 )  
 Vs. ) CM 2016-54  
 )  
 KIMBERLIE A. GILLILAND, )  
 )  
 Defendant. )

CLERK  
JACOB YEA

**OBJECTION TO CHEROKEE NATION'S MOTION TO COMPEL DISCOVERY**

Comes now Defendant Kimberlie A. Gilliland, ("Gilliland") and objects to the Cherokee Nation's ("Nation") motion for this Court to 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 Nation argues, "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." Motion at pg. 1.

The Nation argues that its requested information and material is allowable under Federal Rules of Criminal Procedure ("FRCP") 16. However, it is true and telling that Nation has found no similar rule under the Nation's law. The Nation is correct in this regard-there is no rule or law requiring the Defendant in a criminal case is required to provide discovery. The FRCP have not been adopted by the Nation although it has adopted the Federal Rules of Civil Procedure and Evidence.

Since the Nation can provide no legal authority for its motion to compel, this court must deny it.

DATED this 4<sup>h</sup> day of September , 2017.



Chadwick Smith  
CNBA # 08  
22902 S494 Road  
Tahlequah, OK 74464  
chad@chadsmith.com  
918 453 1707

**Certificate of Delivery**

I, Chadwick Smith, do hereby certify that on the 4th day of September, 2017, pursuant to CNDC Rule 7 I emailed a true and complete copy of the foregoing document to the persons listed below:

Diane Hammons  
Cherokee Nation  
Office of Attorney General  
P.O. Box 141  
Tahlequah OK 74465  
[adianehammons@gmail.com](mailto:adianehammons@gmail.com)



---

Chadwick Smith