

IN THE DISTRICT COURT OF THE CHEROKEE NATION

FILED

Robin Carter Mayes,)
Candidate at Large, Pro Se)

2017 AUG 25 PM 3: 22

Petitioner,)

CHEROKEE NATION
DISTRICT COURT
TODD HEMBREE
CLERK

v.)

Case No. CV-17-273

Cherokee Nation Election Commission,)
Cherokee Nation Office of the)
Attorney General, TODD HEMBREE, an)
Individual, SHAWNA CALICO, an individual,)
TERESA HART, an individual, MARTHA)
CALICO, an individual, CAROLYN ALLEN,)
An individual, PAMELA SELLERS, an)
Individual, JOHN DOE, unknown individuals.)

Respondents.)

AMENDED PETITION

COMES NOW, Robin Carter Mayes, Petitioner, in and for his Amended Petition and in support thereof states as follows:

1. The parties to this action are the Office of the Attorney General of the Cherokee Nation, an arm of the Executive Branch of the government of the Cherokee Nation, The Cherokee Nation Election Commission, an independent and autonomous commission of the Cherokee Nation pursuant to the Cherokee Nation Constitution, Article IX, section 1, Todd Hembree, Shawna Calico, Teresa Hart, Marth Calico, Carolyn Allen, and Pamela Sellers are individual citizens of the Cherokee Nation, John Doe is an unknown party subject of this action;
2. That this Court has jurisdiction of the subject matter and of the parties to this action;
3. That Petitioner reported irregularities pertaining to election candidates in pursuing absentee votes in the 2017 elections to the Cherokee Nation Election Commission;
4. That the Cherokee Nation Election Commission, Shawna Calico, Teresa Hart, Marth Calico, Carolyn Allen and Pamela Sellers were aware that candidates were acting to interfere with

- the Election Commission and the elections of 2017;
5. That said Respondents knowingly permitted such actions of certain candidates for election;
 6. That upon complaint by Petitioner, said Respondents referred the complaints to the Office of the Attorney General of the Cherokee Nation for investigation;
 7. That the office of the Attorney issued a report finding no interference;
 8. That said report, signed by the Attorney General, was investigated, prepared and presented to the Attorney General by John Doe, an unknown person or entity;
 9. That said John Doe was actively engaged in campaign support activities for certain candidates reported to be acting in a manner to interfere with the Cherokee Nation Election Commission and the elections of 2017 at the time of investigation, preparation and presentation of the report for signature by the Attorney General;
 10. That Todd Hembree did knowingly sign said report with full knowledge and information, training and experience that said report was suspect, invalid, unconstitutional and impermissible under the Cherokee Nation Constitution;
 11. That the Cherokee Nation Constitution requires the Election Commission be autonomous;
 12. That any and all legislation placing investigatory authority for disputes, complaints or other allegations directed to the Election Commission with the Cherokee Nation Attorney General Office is directly contrary to the Cherokee Nation Constitution;
 13. That Todd Hembree, by knowledge, training and/or experience, knew, or should have known, that his actions in permitting investigation, investigating and/or reporting upon the complaints of Petitioner to the Election Commission were in contravention of the Cherokee Nation Constitution;
 14. That the actions of Todd Hembree, Shawna Calico, Teresa Hart, Marth Calico, Carolyn Allen and Pamela Sellers, and John Doe were actions of Individuals that interfered with the rights of Petitioner to have his concerns addressed and an open, free and unimpaired

election free from interference conducted;

15. That the provisions of the Election Code, LA-12-16Section 11(c)(12)(f) is Contrary to the Constitution of the Cherokee Nation and is therefore, null, void and invalid;

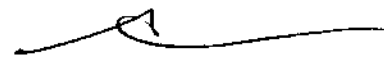
16. Petitioner, hereby incorporates and re-alleges the factual allegations contained in Section II of the original Petition filed June 1, 2017

17. Petitioner is entitled to a Writ of Mandamas, directing the Cherokee Nation Election Commission to conduct a hearing pursuant to 26 CNCA §38 regarding Petitioner's complaints and determination of the issues of whether or not candidates interfered the Cherokee Nation Election Commission and election process and should be disqualified;

18. Petitioner is entitled to Declaratory Judgment ruling that LA-12-16Section 11(c)(12)(f) is Contrary to the Constitution of the Cherokee Nation and is therefore, null, void and invalid

WHEREFORE, above premises considered, the Petitioner moves this Court for judgment declaring LA-12-16Section 11(c)(12)(f) is Contrary to the Constitution of the Cherokee Nation and is therefore, null, void and invalid, and a Writ of Mandamus directing the Cherokee Nation Election Commission to conduct a hearing pertaining to Petitioner's complaints of election interference by candidates for 2017 elections, and for any and all further relief to which he may be entitled.

Respectfully submitted,



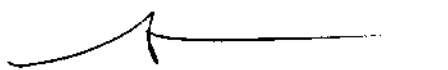
A.J. Garcia, CNBA #145
Counsel for Plaintiff
504 East Willis Road
Tahlequah, OK 74464
918-453-9949 telephone

CERTIFICATE OF MAILING

I, the undersigned do hereby certify that on the 25th day of August, 2017, I mailed a true and correct copy of the foregoing Amended Petition, with postage thereon fully prepaid, to:

Chrissi Nimo
Office of the Attorney General
P.O. Box 948
Tahlequah, OK 74465

Harvey Chaffin
Counsel for Cherokee Nation
Election Commission
215 W. Shawnee
Tahlequah, OK 74464

A handwritten signature in black ink, appearing to read "A.J. Garcia", is written above a horizontal line.

A.J. Garcia