

IN THE DISTRICT COURT OF THE CHEROKEE NATION FILED

DAVID CORNSILK,)
Petitioner,)
v.)
TODD HEMBREE,)
Attorney General)
of the Cherokee Nation)
Respondent.)

2018 MAR 28 PM 2:53

CHEROKEE NATION
DISTRICT COURT
MAYBONCOOYEA
COURT CLERK
Case No. CV-18-122

MOTION TO WITHDRAW OBJECTION TO STANDING
AND TO STRIKE HEARING AND RULE ON THE PLEADINGS

Respondent, Cherokee Nation Attorney General, Todd Hembree, by and through the undersigned counsel, withdraws the Objection to Standing. In this instance, the Nation concedes the Court has jurisdiction to hear this case pursuant to *Leach v. Tribal Election Comm'n*, JAT-94-1 (1994), because the parties do not object to standing.

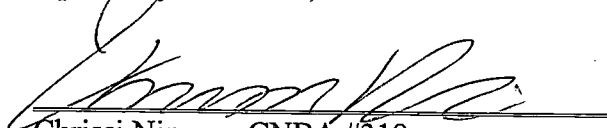
Further the Cherokee Nation moves this Court to strike the hearing set on April 13, 2018 and rule on the pleadings. In support of this Motion, Cherokee Nation as follows:

- 1) On December 9, 2016, the Office of the Attorney General issued an Opinion which concluded that the first elections for Principal Chief Bill John Baker, Deputy Chief S. Joe Crittenden, and three Tribal Councilmembers; Joe Byrd, Frankie Hargis, and Victoria Vasquez, did not result in a “term” to which term limits would be applicable because the length of time in office was less than the four (4) years prescribed by the Constitution. The Attorney General Opinion contained all relevant legal argument and authority to support the conclusion.
- 2) On February 19, 2018, David Cornsilk, a private citizen, filed the instant action seeking a declaration by this court that the Attorney General Opinion was incorrect as

to Principal Chief Bill John Baker and Deputy Chief S. Joe Crittenden. Cornsilk's Petition likewise contained all relevant legal argument and authority to support his position that the Attorney General erred in his legal conclusion.

- 3) There are no disputed facts in this matter and it is not anticipated that any evidence will be introduced at the hearing. This is a simple matter of Constitutional interpretation as to whether a time in office of less than four (4) years is a "term" under the Cherokee Nation Constitution. The Attorney General says it is not, Cornsilk argues that it is.
- 4) This Court is required to review the Opinion of the Attorney General de novo.
- 5) If the Court finds that it has jurisdiction to hear this matter, based on withdraw of the objections of the Attorney General, the Court should strike the hearing set in this matter and render a decision on the pleadings before the Court.

Respectfully submitted,

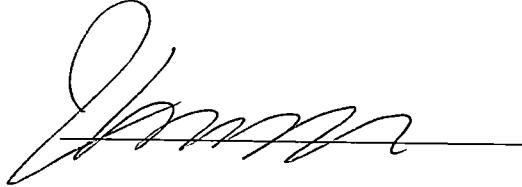


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CERTIFICATE OF MAILING

I hereby certify that on the 24 day of March, 2018, a true and correct copy of the above document was hand delivered, emailed or mailed with proper postage fully prepaid thereon, to the following:

David Cornsilk
14013 N 524 Rd
Tahlequah, OK 74464

A handwritten signature in black ink, appearing to read "David Cornsilk", written over a horizontal line.