

IN THE SUPREME COURT OF THE CHEROKEE NATION

TODD HEMBREE,  
Attorney General of the Cherokee Nation,  
  
Appellant,  
  
v.  
  
DAVID CORNSILK,  
  
Appellee.

Case No. SC-2018- 04

FILED  
2018 APR 13 PM 2:03  
CHEROKEE NATION  
SUPREME COURT  
GENERAL PROB. COURT CLERK

PETITION IN ERROR

- PETITION IN ERROR
- AMENDED OR SUPPLEMENTAL PETITION
- CROSS PETITION
- COUNTER-PETITION

DATE FIRST PETITION IN ERROR WAS FILED: \_\_\_\_\_

I. TRIAL COURT HISTORY

COURT/ COMMISSION: District Court

CASE NO.: CV-2018-122

JUDGE/ HEARING OFFICER: Judge Barteaux

NATURE OF CASE: Declaratory Judgment

NAME OF PARTY(IES) FILING THIS PETITION IN ERROR: Todd Hembree, Attorney General for the Cherokee Nation

THE APPEAL IS BROUGHT FROM: (check one)

- Judgment, Decree or Final order of the District Court
- Appeal from order granting summary judgment or motion to dismiss
- Final Order of Other Tribunal, Commission, or Hearing Board
- Interlocutory Order Appealable by right
- Other

II. TIMELINESS OF APPEAL

1. Date judgment, decree, or order appealed was filed: April 6<sup>th</sup>, 2018
2. Does the judgment or order on appeal dispose of *all* claims by and against *all* parties?  
 Yes  No
3. Were any post-trial motions filed? No.
4. This Petition is filed by:  Delivery to Clerk, or  
 Mailing to Clerk by U.S. Certified Mail,  
Return Receipt Requested

### III. RELATED OR PRIOR APPEALS

None.

### IV. SETTLEMENT CONFERENCE

Is the appellant willing to participate in a Settlement Conference?  Yes  No

### V. RECORD ON APPEAL

A Transcript will be ordered  
 No Transcript will be ordered because no record was made and/or  
no transcript will be necessary for this appeal  
 Narrative Statement will be filed

### VI. JUDGMENT, DECREE OR ORDER APPEALED-- EXHIBIT "A"

Attach as Exhibit "A" to the Petition in Error a certified copy of the judgment, of April 6<sup>th</sup>, 2018.

### VII. SUMMARY OF CASE -- Exhibit "B"

Attach Exhibit "B" a brief summary of the case.

### VIII. ISSUES TO BE RAISED ON APPEAL -- Exhibit "C"

Attach as Exhibit "C" the issues proposed to be raised.

### IX. NAME OF COUNSEL OR PARTY, IF PRO SE

#### ATTORNEY FOR APPELLANT

Name: Chrissi R. Nimmo, Deputy Attorney General  
CBNA: 319  
Firm: Office of the Attorney General for Cherokee Nation  
Address: P.O. Box 1533  
City: Tahlequah  
State: OK Zip: 74465  
Phone: (918) 453-5000, ext. 6998  
Fax: (918) 458-6142  
Email: [chrissi-nimmo@cherokee.org](mailto:chrissi-nimmo@cherokee.org)

APPELLEE

Name: David Cornsilk

Address: 14013 N. 524 Rd.

City: Tahlequah

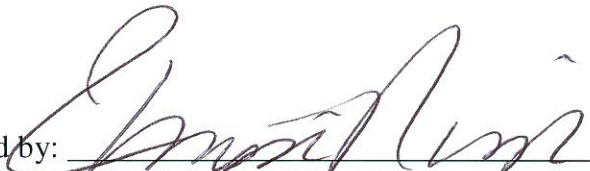
State: OK Zip: 74464

Phone: (918) 453-3904

Email: david\_cornsilk@yahoo.com

Pro Se

DATE: April 13, 2018.

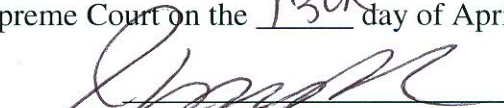
Verified by:   
Chrissi R. Nimmo, CBNA: 319  
Firm: Office of the Attorney General for Cherokee Nation  
Address: P.O. Box 1533  
City: Tahlequah  
State: OK Zip: 74465  
Phone: (918) 453-5000, ext. 6998  
Fax: (918) 458-6142  
Email: chrissi-nimmo@cherokee.org

**X. CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK**

13<sup>th</sup> I hereby certify that a true and correct copy of the Petition in Error was mailed this day of April, 2018 to the following:

David Cornsilk  
14013 N. 524 Rd.  
Tahlequah, OK 74464

I further certify that a copy of the Petition in Error was mailed to, or filed in, the office of the Court Clerk of the Cherokee Nation Supreme Court on the 13<sup>th</sup> day of April, 2018.

  
Chrissi R. Nimmo

IN THE DISTRICT COURT OF THE CHEROKEE NATION

FILED

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

2018 APR -6 PM 3:10

CV-2018-122

CHEROKEE NATION  
DISTRICT COURT  
KRISTI MONCOOYEA  
COURT CLERK

JUDGMENT

COMES NOW David Cornsilk, Petitioner, and Todd Hembree, Attorney General of the Cherokee Nation, Respondent. Currently pending is Petitioner's *Petition for Declaratory Judgment and Motion to Substitute Page*, and Respondent's *Special Limited Entry of Appearance and Motion to Dismiss Petition for Declaratory Judgment and Motion to Withdraw Objection to Standing and to Strike Hearing and Rule on the Pleadings*. The Court Finds and Orders as follows:

Petitioner's *Motion to Substitute Page* is granted. Page nine of the *Petition* is substituted with the second page of the *Motion*.

Respondent's *Motion to Withdraw Objection to Standing and to Strike Hearing and Rule on the Pleadings* is granted. The objection to standing contained in the *Special Limited Entry of Appearance and Motion to Dismiss Petition for Declaratory Judgment* is stricken. Trial set for April 13, 2018 at 1:30 P.M. is stricken. Appearing from the pleadings that there is no disputed fact at issue the court shall proceed with ruling without further argument of parties.

Cherokee Nation District Court is the correct jurisdiction and venue to decide this matter. Pursuant to the Cherokee Nation *Attorney General Act*, LA 12-07, it is the duty of the Attorney General,



