

IN THE SUPREME COURT OF THE CHEROKEE NATION

TODD HEMBREE,)	
)	
Appellant,)	
)	
v.)	Case No. SC 2018-04
)	
DAVID CORNSILK,)	
)	
Appellee,)	
)	
v.)	
)	
MICHAEL MOORE,)	
)	
Intervenor,)	

2018 JUN -5 AM 10:48
CHEROKEE NATION
SUPREME COURT
RENEAL BIRD, COURT CLERK
FILED

**SUPPLEMENTAL OBJECTION TO APPELLEE CORNSILK’S MOTION TO STRIKE
AND MOTION TO DISMISS**

Intervenor Michael Moore, (“Moore”) submits this supplemental objection to Appellee Cornsilk’s (“Cornsilk”) Motion to Strike Moore’s Motion to Intervene and Dismiss. On May 16, 2018, this Court in *In re: Nash*, SC 2017-17 held that seven citizens of the Cherokee Nation including several Councilmembers had no standing to challenge Attorney General Hembree’s decision not to present to the Council the decision to whether to appeal the federal District Court ruling granting Freedmen citizen in the Cherokee Nation although this Court previously found the Constitution Amendment requiring Indian ancestry was effective.

In *Nash*, this Court held, “To have standing, Movants must have suffered an injury in fact, an invasion of a legally protected interest which is concrete and particularized, and actual or imminent, not conjecture or hypothetical. See *Mayer v. Thompson, et al*, JAT-95-15 (1995).” In this case, Cornsilk has pled no such interest; in fact he has stated he has no concrete interest at all. Unlike in the *Nash* case where the Intervenor essentially challenged the Attorney General

defaulting the overturning of the Nation's constitutional vote to require Indian ancestry for citizenship, in this case, Cornsilk acknowledged he is not running for office and has no interest in running for office therefore, the office filing requirements for a 2019 election are irrelevant. Cornsilk even pleads that the beneficiary of this Court's possible ruling- Bill John Baker- has expressed no interest in running in the next election. Further, Intervenors in *Nash* have no legal recourse to the Attorney General's questionable behavior but in this case, Cornsilk has the explicit right with procedures outlined by statute to challenge his boss' candidacy, if and when Bill John Baker files for office.

By the precedence of this Court's decision in *Nash*, Cornsilk has no standing.

This Court has a primary duty to *sua sponte* examine its jurisdiction over this matter and that this Court must dismiss this Hembree's and Cornsilk's appeals because (1) the court has no subject matter jurisdiction, (2) it is not ripe for decision, and (3) both Cornsilk and Hembree are requesting the court to issue an advisory opinion regarding the interpretation of certain election laws, which is prohibited by this Court in *In Re: Legislative Act 39-05, Cherokee Nation and Cherokee Nation Tribal Council*, SC 07-01 and *McCall v. Baker* S.C.-15-01, 2016, and Cornsilk has no standing to bring this action.

Therefore, this Court should deny Cornsilk's Motion to Strike and dismiss this appeal and case.

Submitted this 5th day of June, 2018.



Michael Moore, Pro Se
600 West Broadway, Suite 700
San Diego, CA 92101
Michael@usbengoshi.com

CERTIFICATE OF SERVICE

I, Michael Moore hereby certify that a copy of the foregoing motion was emailed on June 5th, 2018 to the following:



Michael Moore

Chrissi Nimmo,
Cherokee Nation
Assistant Attorney General
P.O. Box 948
Tahlequah, OK 74465
chrissi-nimmo@cherokee.org

David Cornsilk
14013 N 524 Road
Tahlequah, OK 74464
david_cornsilk@yahoo.com