

FILED

2018 MAY 29 AM 11:42

CHEROKEE NATION
SUPREME COURT
KENDALL BIRD, COURT CLERK

IN THE SUPREME COURT OF THE CHEROKEE NATION

ROBIN CARTER MAYES,)
)
 Appellant/Petitioner,)
)
 vs.)
)
 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.)
)
 Appellants/Respondents.)

Case No. SC-18-06

PETITION IN ERROR

X Petition in Error ___ Cross-petition
 ___ Amended Petition ___ Counter-petition

I. TRIAL COURT HISTORY

CASE NO: CV-17-273
 JUDGE: Honorable Crystal Jackson
 NATURE OF CASE: Declaratory Judgment, Administrative Appeal, Mandamus
 NAME OF PARTY FILING
 PETITION IN ERROR: Robin Carter Mayes

THE APPEAL IS BROUGHT FROM

X Judgment or Final Order of District Court
 ___ Appeal from Order for Child Support
 ___ Appeal from Revocation of Driver's license
 ___ Final Order of other Tribunal
 ___ Interlocutory Order Appealable by Right
 ___ Other _____
 (Explain)

II. TIMELINESS OF APPEAL

1. DATE THE JUDGMENT OR ORDER WAS FILED:
May 1, 2018 (Certified Copy Attached Hereto)
2. If decision was taken under advisement, date of judgment, decree or order was mailed to parties.
3. Does the judgment or order on appeal dispose of all claims by and against all parties
XX Yes ___ No
4. If judgment or order is not a final disposition, is it appealable because it is an interlocutory Order Appealable by right? ___ Yes ___ No
5. If none of the above applies, what is the specific statutory basis for determining the judgment or order is appealable?
6. Were any post-trial motions filed? ___ Yes X NO
Type Date Filed Date Disposed
7. This Petition is Filed by :
XX Delivery to Clerk, or
___ Mailing to Clerk by U.S. Certified Mail
___ Return Receipt Requested, on

III RELATED OR PRIOR APPEALS

List all prior appeals involving same parties or same trial court proceeding:

None

List all related appeals involving same issues:

None

IV SETTLEMENT CONFERENCE

Is appellant willing to participate in an attempted settlement of the appeal by pre-decisional conference?

___ Yes XX No

V RECORD ON APPEAL

___ A transcript will be ordered

XX No transcript will be ordered because no transcript will be necessary for this appeal.
___ A narrative statement

VI ORAL ARGUMENTS REQUESTED XX YES
___ NO

VII DECISION DESIRED ON APPEAL

The Appellant/Petitioner prays the Supreme Court to reverse the Order of the Trial Court sustaining Respondents' Motions to Dismiss; to find that the Cherokee Nation Code provision from LA 12-16, codified at 26 CNCA § 11 (C) (12) (f); alternatively, to remand with instruction to hear this matter on its legal and factual merits.

VIII NAME OF COUNSEL OR PARTY, IF PRO SE

ATTORNEY FOR APPELLANTS

Name: A.J. Garcia
CNBA No: 145
Firm: Garcia Law Office
Address: 504 E. Willis Rd.
Tahlequah, OK 74464
Telephone: 918-453-9949

ATTORNEY FOR APPELLEE

Cherokee Nation Attorney General
Counsel for the Cherokee Nation Office
of the Attorney General
Address: P.O. Box 1533
Tahlequah, OK 74465
Telephone: 918-453-5255

Harvey L. Chaffin
Counsel for the Cherokee Nation
Election Commission and Individuals
P.O. Box 1188
Tahlequah, OK 74465
Telephone: 918-453-2800


Date: May 29 2018

Verified by 
Firm: Garcia Law Office
504 E. Willis Rd.
Tahlequah, OK 74464
918-453-9949

IX CERTIFICATE OF MAILING TO ALL PARTIES AND COURT CLERK

I hereby certify that a true and correct copy of the Petition in Error was mailed this 29 day of May, 2018 to Cherokee Nation Attorney General, P.O. Box 1533, Tahlequah, OK 74465 and Harvey Chaffin, P.O. Box 1188, Tahlequah, OK 74464 by depositing it in the U.S. mail , postage prepaid.

I further certify that a copy of the Petition in Error was delivered to the office of the Court Clerk for Cherokee Nation on the 2nd day of May, 2018.



A.J. Garcia
Attorney for Appellant/Petitioner

IN THE DISTRICT COURT OF THE CHEROKEE NATION

2018 MAY -1 PM 3: 21

ROBIN CARTER MAYES,)
Candidate at Large,)
)
Petitioner,)

v.)

Case No. CV-17-273

CHEROKEE NATION ELECTION)
COMMISSION, CHEROKEE NATION)
OFFICE OF THE ATTORNEY GENERAL,)
TODD HEMBREE, an Individual, SAHWNA)
CALICO, an individual, TERESA HART,)
an individual, MARTHA CALICO, an)
individual, CAROLYN ALLEN, an individual,)
PAMELA SELLERS, an individual, JOHN)
DOE, unknown individuals.)

Respondents.)

ORDER SUSTAINING RESPONDENTS' MOTION TO DISMISS

Now on this 1st day of May, 2018, this matter comes on for decision. Petitioner having filed his Second Amended Petition on November 16, 2017, Respondents having filed their Special Limited Entry of Appearance and Motion to Dismiss Second Amended Petition respectively on February 8, 2018. After a review of the pleadings filed herein, the Court **FINDS AS FOLLOWS:**

1. The FIRST CAUSE OF ACTION listed in the Second Amended Petition is dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.
2. The SECOND CAUSE OF ACTION listed in the Second Amended Petition is dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

