

IN THE MUSCOGEE (CREEK) NATION SUPREME COURT

SUPREME COURT  
FILED

MUSCOGEE (CREEK) NATION, )  
)  
Appellant, )  
)  
v. )  
)  
)  
MICHAEL WADDLE, )  
)  
Respondent. )

JAN 14 2026

Case No.: SC-2025-06

CONNIE DEARMAN  
MUSCOGEE (CREEK) NATION  
COURT CLERK

(District Court Case No.: CF-2024-0590)

Appeal from District Court, Okmulgee District, Muscogee (Creek) Nation.

Timothy J. Gifford, Hannah Scandy, Muscogee (Creek) Nation, Office of the Attorney General, Okmulgee, Oklahoma, for the Appellant, Muscogee (Creek) Nation.

Wm. Bartley Logsdon, Law Office of Wm. Bartley Logsdon, Sapulpa, Oklahoma, for the Respondent, Michael Waddle.

**ORDER AND OPINION**

**MVSKOKVLKE FVTCECKV CUKO HVLWAT VKERRICKV HVYAKAT OKETV  
YVNKE VHAKV HAKATEN ACAKKAYEN MOMEN ENTENFVTCETV, HVTVM  
MVSKOKE ETVLWVKE ETEHVLVTKE VHAKV EMPVTAKV.<sup>1</sup>**

Before: ADAMS, C.J.; LERBLANCE, V.C.J.; HARJO-WARE, MCNAC, STOMSKI,  
SUPERNAW, THOMPSON, JJ.

Order of the District Court reversed and remanded.

<sup>1</sup> "The Muscogee (Creek) Nation Supreme Court, after due deliberation, makes known the following decision based on traditional and modern Mvskoke law."

**Per Curiam.**

The Muscogee (Creek) Nation (hereinafter, the “Appellant”) submits the above-styled interlocutory appeal, seeking review of a Muscogee (Creek) Nation District Court *Order Denying Motion for Jury to Assess Punishment*, filed on March 26, 2025. The Appellant asserts that the District Court erred in denying its *Motion for Jury to Assess Punishment*, concluding that “the determination and imposition of sentence shall be the exclusive duty of the Court.” On the record presented, and for the reasons set forth below, we reverse the Muscogee (Creek) Nation District Court’s March 26, 2025, *Order Denying Motion for Jury to Assess Punishment*, and remand the matter back to the District Court for further consideration.

**BACKGROUND**

On May 9, 2024, the Muscogee (Creek) Nation filed its *Criminal Complaint and Information* against the Respondent, in District Court case number CF-2024-590. The Respondent was charged with one count of Stalking, in violation of M(C)NCA Title 14, § 2-309. The *Criminal Complaint and Information* alleges that the Respondent “did willfully, maliciously and repeatedly follow a person with the intent of placing that person in reasonable fear of death or great bodily injury, to wit: [victim initials], whom he repeatedly followed and left notes for, causing her to fear for her safety.” If convicted, this would be a felony offense.

At the request of the Respondent, the case was set for jury trial on April 14, 2025. On March 14, 2025, the Appellant filed its *Motion for Jury to Assess Punishment* with the District Court, arguing that a ruling in favor of the *Motion* would be “in accordance with MCN 14 § 1-501 (B)(2).” On March 26, 2025, the District Court issued its *Order Denying Motion for Jury to Assess Punishment*, finding that “MCN 14 § 1-601 (A)(4) provides that the determination and imposition

of sentence shall be the exclusive duty of the Court. No instruction will be given to the jury to assess punishment.”

The Appellant submitted its interlocutory appeal on March 31, 2025. On April 14, 2025, the District Court issued its *Determination of Merit*, finding that “[a]n interlocutory appeal will...clarify an issue of general importance in the administration of justice. There are two points of law that appear to be in conflict and an interlocutory appeal will clarify this point of law that could impact numerous jury trials and the administration of justice.”

### **JURISDICTION, SCOPE, AND STANDARD OF REVIEW**

Appellate jurisdiction is proper under M(C)NCA Title 27, § 1-101 (C).<sup>2</sup> This Court will review issues of law *de novo* and issues of fact for clear error.<sup>3</sup> Each respective question will be addressed based on its applicable standard of review.

### **ISSUES PRESENTED**

1. Does M(C)NCA Title 14, § 1-601 (A) authorize the jury in a criminal action to impose a sentence on a convicted defendant, or is sentencing the exclusive duty of the presiding District Court Judge?

### **DISCUSSION**

One of the three primary functions of an interlocutory appeal is for the Supreme Court to clarify issues of general importance in the administration of justice.<sup>4</sup> At times, this requires the

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<sup>2</sup> M(C)NCA Title 27, § 1-101 (C), vests this court with exclusive jurisdiction to review final orders of the Muscogee (Creek) Nation District Court.

<sup>3</sup> See A.D. Ellis v. Checotah Muscogee Creek Indian Community, et al., SC 2010-01 at 3, \_\_\_ Mvs. L.R. \_\_\_ (May 22, 2013); In the Matter of J.S. v. Muscogee (Creek) Nation, SC 1993-02, 4 Mvs. L.R. 124 (October 13, 1994); McIntosh v. Muscogee (Creek) Nation, SC 1986-01, 4 Mvs. L.R. 28 (January 24, 1987); Lisa K. Deere v. Joyce C. Deere, SC 2017-02 at 5, \_\_\_ Mvs. L.R. \_\_\_ (May 17, 2018); Muscogee (Creek) Nation v. Bim Stephen Bruner, SC 2018-03 at 5, \_\_\_ Mvs. \_\_\_ (September 6, 2018); Derek Huddleston v. Muscogee (Creek) Nation, SC 2018-02 at 3, \_\_\_ Mvs. \_\_\_ (October 4, 2018); Bim Stephen Bruner v. Muscogee (Creek) Nation, SC 2018-04 at 4, \_\_\_ Mvs. \_\_\_ (May 13, 2019).

<sup>4</sup> See, M(C)NCA Title 27, App. 2, Rule 3 (A)(3) [as amended by Administrative Order 2023-08].

Supreme Court to clarify statutory provisions that appear to be in conflict with each other. Such is the case here.<sup>5</sup>

There are two statutes at issue in the above-styled appeal. First, is M(C)NCA Title 14, § 1-501 (B) [as amended by NCA 16-038], which provides the following:

- B. Bifurcation of Trial. In an effort to enable the trier of fact to make the most informed decisions while limiting prejudice to the Defendant, in cases in which the defendant's criminal record could effect the sentence if found guilty, the Court may allow for the case to be tried in two separate stages.
1. The first stage shall be solely for determining whether the Nation has proven if the defendant is guilty of the charge(s) alleged in the Criminal Complaint and Information. Except in cases in which a former conviction is an element of the offense charged, during the first stage, no reference shall be made nor evidence presented of prior offenses except as permitted by the rules of evidence. At the conclusion of this stage, the Judge shall instruct the jury to only determine whether the Nation has proven its case beyond a reasonable doubt; and
  2. *If a verdict of guilty is returned, the trial shall proceed to the sentencing stage. During this stage, the trier of fact shall be permitted to receive any evidence, whether aggravating or mitigating, so long as it would be relevant in aiding the trier of fact in determining the appropriate punishment.*

[Emphasis Added]

The second statute at issue is M(C)NCA Title 14, § 1-601, which provides the following:

- A. 1. If a verdict of acquittal is rendered the defendant must immediately be discharged.
2. After a plea or verdict of guilty, or after judgment against the defendant the Court must designate a time for sentencing, which must be within a reasonable time after the verdict or judgment is rendered. The sentence must be entered in the minutes of the Court as soon as it is imposed.
  3. *If the defendant pleads guilty, or is convicted either by the Court or by a jury, the Court must impose the sentence imposed by the jury or a sentence in conformity with the law; or sentence the defendant to pay a fine or both.*
  4. *The determination and imposition of sentence shall be the exclusive duty of the Court.*

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<sup>5</sup> The District Court's April 14, 2025, *Determination of Merit*, confirms that "[t]here are two points of law that appear to be in conflict and an interlocutory appeal will clarify this point of law that could impact numerous jury trials and the administration of justice."

[Emphasis Added]

The question that must be resolved by this Court is whether sentencing is the exclusive duty of the presiding Judge, or if a jury may be involved in this process. It is clear to the Court that § 1-501 (B) authorizes a bifurcated trial in which the “trier of fact” is presented aggravating and mitigating evidence in order to determine an appropriate sentence. While “trier of fact” is not defined by § 1-501, the standard definition is accurately stated in Black’s Law Dictionary as “[o]ne or more persons who hear testimony and review evidence to rule on a factual issue. The factfinder may be the judge (in a bench trial) or a jury.”<sup>6 7</sup> This definition is consistent with § 1-601 (A)(3), which clearly contemplates a sentencing phase in which a “sentence [could be] imposed by the jury[.]” The question becomes, how does this bifurcated system, in which a jury (as the trier of fact) imposes a sentence on a defendant, work in harmony with § 1-601 (A)(4), which clearly states that the “imposition of sentence shall be the exclusive duty of the Court[?]” In order to clarify this apparent conflict, the Court interprets § 1-601 (A)(4) to require the following:

1. In the event a jury (as the trier of fact) imposes a sentence that does not conform to the laws of the Muscogee (Creek) Nation, it is the duty of the presiding Judge, pursuant to M(C)NCA Title 14, § 1-601 (A)(3), to prohibit the unlawful sentence, and impose a sentence in conformity to the law.

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<sup>6</sup> See, *trier of fact*, or *factfinder*, Black’s Law Dictionary (12<sup>th</sup> ed. 2024).

<sup>7</sup> “As this Court has previously stated, “[w]hen a statutory provision is unambiguous, we presume the National Council intended the resulting impact of the unambiguous provision and apply the statute according to the plain meaning of its terms. Use of the “plain-meaning rule” is both an appropriate judicial deference to the National Council’s constitutional law-making authority and an analytical hurdle which limits unnecessary judicial encroachment into the law-making function.” See, SC-2017-02, *Lisa K. Deere v. Joyce C. Deere*, \_\_\_ Mvs L.R. \_\_\_, 7. (May 17, 2018), citing *Slay v. Muscogee (Creek) Travel Plaza and Hudson Insurance Company*, SC-2014-01, \_\_\_ Mvs. L.R. \_\_\_ (October 23, 2014), *Cox v. Kamp*, SC-1991-03, 4 Mvs. 75, 79 (June 27, 1991), and *Ellis v. Checotah, et al.*, SC-2010-01, \_\_\_ Mvs L.R. \_\_\_ (May 22, 2013).

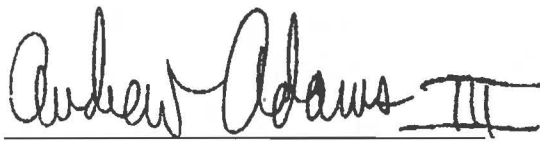
2. Pursuant to M(C)NCA Title 14, § 1-601 (A)(3), the Court may also sentence the defendant to pay a fine, or both sentence and fine.
3. In all circumstances, it is the presiding Judge that must approve the sentence (either the sentence imposed by the jury, or the sentence imposed by the Court). In this respect, sentencing is always within the exclusive duty of the Court.

With these interpretations in place, both § 1-501 (B) and § 1-601 (A) are able to exist together, and it is necessary to reverse the District Court's March 26, 2025, *Order Denying Motion for Jury to Assess Punishment*, and remand the matter back to the District Court for further consideration.

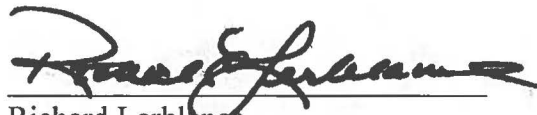
### CONCLUSION

For the reasons stated above, the District Court's March 26, 2025, *Order Denying Motion for Jury to Assess Punishment* is reversed, and the matter is remanded back to the District Court for further consideration.

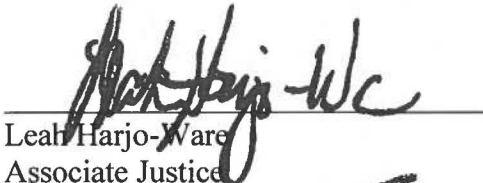
**FILED AND ENTERED:** January 14, 2026



Andrew Adams, III  
Chief Justice



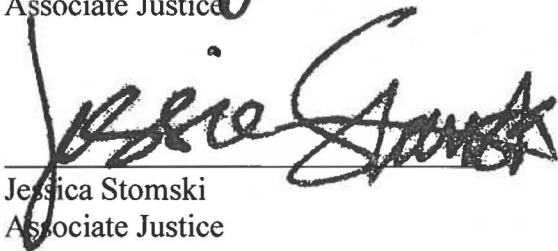
Richard Lerblance  
Vice-Chief Justice



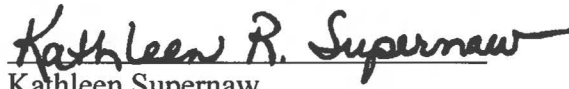
Leah Harjo-Ware  
Associate Justice



Amos McNac  
Associate Justice



Jessica Stomski  
Associate Justice



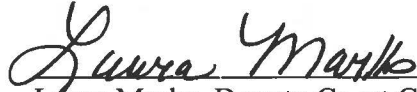
Kathleen Supernaw  
Associate Justice



George Thompson, Jr.  
Associate Justice

**CERTIFICATE OF MAILING**

I hereby certify that on January 14, 2026, I mailed a true and correct copy of the foregoing Order and Opinion with proper postage prepaid to each of the following: Timothy J. Gifford, and Hannah Scandy, Muscogee (Creek) Nation, Office of the Attorney General, P.O. Box 580, Okmulgee, OK 74447; Michael Waddle, c/o Bartley Logsdon, P.O. Box 125, Sapulpa, OK 74067. A true and correct copy was also hand-delivered to the Office of the Muscogee (Creek) Nation District Court Clerk.



Laura Marks, Deputy Court Clerk