

IN THE MUSCOGEE (CREEK) NATION SUPREME COURT

SUPREME COURT
FILED

BRIAN PEEVYHOUSE,)
Appellant,)
v.)
MUSCOGEE (CREEK) NATION,)
Respondent.)

JAN 14 2026
Case No.: SC-2025-04 CONNIE DEARMAN
MUSCOGEE (CREEK) NATION
COURT CLERK
(District Court Case No.: CF-2023-1277) *LM*

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

Carla Stinnett, Jonathan Casey, Stinnett Law, Glenpool, Oklahoma, for the Appellant,
Brian Peevyhouse.

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

ORDER AND OPINION

MVSKOKVLKE FVTCECKV CUKO HVLWAT VKERRICKV HVYAKAT OKETV
YVNKE VHAKV HAKATEN ACAKKAYEN MOMEN ENTENFVT CETV, HVTVM
MVSKOKE ETVLWVKE ETEHVLVTKE VHAKV EMPVTAKV.¹

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

Order of the District Court affirmed.

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

Per Curiam

Brian Peevyhouse (hereinafter, the “Appellant”) submits the above-styled appeal pursuant to M(C)NCA Title 27, App. 2, Rule 2 (B), seeking review of a Muscogee (Creek) Nation District Court *Judgment and Sentence* entered on December 30, 2024.² The Appellant asserts that the District Court erred in entering judgment and sentence, as the Appellant argues the charges associated with the above-styled action were precluded by a prior plea negotiation with the Muscogee (Creek) Nation (hereinafter, the “Respondent”). On the record presented, and for the reasons set forth below, we affirm the Muscogee (Creek) Nation District Court’s December 30, 2024, *Judgment and Sentence*.

BACKGROUND

On February 16, 2022, the Respondent filed its *Criminal Complaint and Information* against the Appellant, in District Court case number CF-2022-224, alleging that on or about February 1, 2022, the Appellant “did unlawfully make an attempt to commit serious bodily injury to another person through the use of a dangerous or deadly weapon, to wit: The [Appellant] did hit another person with a metal pry bar which caused a large wound.” The Appellant was charged with one count of Aggravated Assault, in violation of M(C)NCA Title 14, § 2-302 (B), and one count of Violation of Protective Order, in violation of M(C)NCA Title 6, § 3-301 (B)(2).

On July 12, 2023, a *Request and Order of Dismissal of Charges* was issued by the District Court dismissing case number CF-2022-224 *without prejudice to refiling* for the stated reason that the “Nation can not meet their burden.”

² The December 30, 2024, *Judgment and Sentence* was later post-dated to February 10, 2025, by *Order* of the Muscogee (Creek) Nation District Court.

On August 11, 2023, the Respondent filed a second *Criminal Complaint and Information* against the Appellant, in District Court case number CF-2023-1277, again alleging that on or about February 1, 2022, the Appellant “did, with intent to do bodily harm and without justifiable or excusable cause, [commit] an assault, battery, or assault and battery upon the person of another with a sharp or dangerous weapon, to-wit: The [Appellant] hit the victim, Mark Dunn, in the head multiple times with a pry-bar.” The Appellant was charged with one count of Assault and Battery with a Dangerous Weapon, in violation of M(C)NCA Title 14, § 2-114, by way of 21 Okla. Stat. § 645, and one count of Terroristic Threats, in violation of M(C)NCA Title 14, § 2-617.

On March 20, 2024, the Appellant filed a *Motion to Dismiss* case number CF-2023-1277, arguing:

“[T]he [Appellant] was presented with a negotiated offer that included a dismissal of CF-2022-0224 if the [Appellant] entered a plea in CM-2021-0404 and CM-2022-0739. [Appellant] relied on the promise made in the plea offer, accepted those terms and entered a plea of no contest in CM-2021-0404 and CM-2022-0739. An Order of Dismissal was issued by the prosecution for case no. CF-2022-0224 and accepted by the Court...The [Appellant] relied, to his detriment, on the promise of the plea agreement when he waived constitutional rights and entered into the plea agreement with the Nation. This refiling gives the impression the prosecution is renegeing on the plea agreement made and executed on July 12, 2023, and acting in bad faith.”

On March 27, 2024, the District Court entered its *Order Denying Motion to Dismiss*, finding that “the filing of CF-2023-1277 is a permissible re-file.” The Appellant did not exercise his right to appeal this intermediate ruling, pursuant to M(C)NCA Title 27, App. 2, Rule 3, and the case continued to trial.

On September 30, 2024, the District Court conducted a non-jury, bench trial. After hearing the sworn statements of witnesses, and reviewing the pleadings in the case, the District Court found the Appellant guilty of Assault and Battery with a Dangerous Weapon, and Terroristic Threats.

The matter was set for Sentencing on December 18, 2024, at which time the Court entered its *Judgment and Sentence* with the following terms of sentence:

Count One: Three (3) years in the Bureau of Prisons, with one (1) year suspended, one (1) year supervised, and a fine of one thousand five hundred dollars (\$1,500.00), plus court costs of eighty-four dollars (\$84.00).

Count Two: Three (3) years in the Bureau of Prisons, with two (2) years suspended, two (2) years supervised, and a fine of one thousand two hundred and fifty dollars (\$1,250.00).

This appeal follows.

JURISDICTION, SCOPE, AND STANDARD OF REVIEW

Appellate jurisdiction is proper under M(C)NCA Title 27, § 1-101 (C).³ This Court will review issues of law *de novo* and issues of fact for clear error.⁴ Each respective question will be addressed based on its applicable standard of review.

ISSUES PRESENTED

1. Does the record on appeal in District Court case number CF-2022-224 and/or CF-2023-1277 support the Appellant's claim that a negotiated plea agreement was reached between the Appellant and the Respondent that precluded the Respondent from refileing charges against the Appellant stemming from those events referenced in both Criminal Complaints, taking place on or about February 1, 2022, and, if so, does this require reversal of the District Court's *Judgment and Sentence* in the above-styled action?

³ 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.

⁴ 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).

DISCUSSION

M(C)NCA Title 14, § 1-405 provides that “[w]henever the defendant plea [*sic*] guilty as a result of a plea arrangement with the Prosecutor, the full terms of such agreement shall be disclosed to the Judge.” This Court has reviewed the full record on appeal in both District Court case number CF-2022-224 and CF-2023-1277 to determine if any terms were disclosed to the presiding Judge tending to preclude the Respondent from re-filing charges related to the events of February 1, 2022. The Court can find no written plea agreement terms that would prohibit a re-filing in this matter. To the contrary, on July 12, 2023, a combined *Request and Order of Dismissal of Charges* was filed in District Court case number CF-2022-224, wherein the only stated reason for the Respondent’s requested dismissal was that the “Nation can not meet their burden.” Further, in the that same pleading, the District Court ordered the case to be “dismissed without prejudice.” This is consistent with the District Court’s March 27, 2024, *Order Denying Motion to Dismiss* in case number CF-2023-1277, in which the District Court found the re-filing in case number CF-2023-1277 to be “a permissible re-filing.” As an issue of fact, this Court finds no evidence that supports the Appellant’s claim that the Respondent was precluded from re-filing charges against the Appellant for actions related to the February 1, 2022 incident. As such, the District Court committed no clear error that would require reversal of its December 30, 2024, *Judgment and Sentence*.

CONCLUSION

For the reasons stated above, the District Court’s December 30, 2024, *Judgment and Sentence* is affirmed.

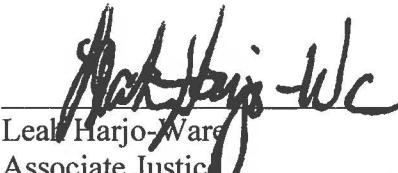
FILED AND ENTERED: January 14, 2026



Andrew Adams, III
Chief Justice



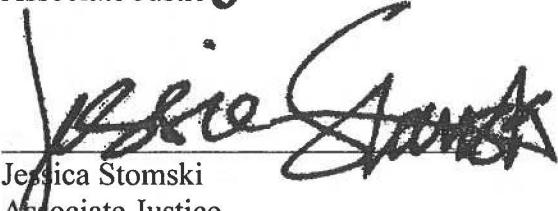
Richard Lerblance
Vice-Chief Justice



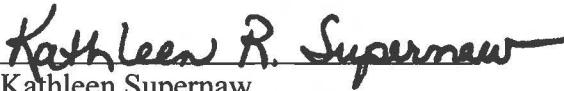
Leah Harjo-Ware
Associate Justice



Amos McNac
Associate Justice



Jessica Stomski
Associate Justice



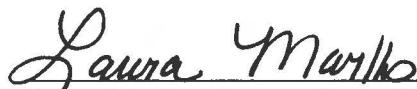
Kathleen R. Supernaw
Associate Justice



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: Carla Stinnett, 12133 S. Yukon Ave., Ste 300, Glenpool, OK 74033; Matt Hall, Muscogee (Creek) Nation, Office of the Attorney General, P.O. Box 580, Okmulgee, OK 74447. A true and correct copy was also hand-delivered to the Clerk of the Muscogee (Creek) Nation District Court.



Laura Marks, Deputy Court Clerk