

IN THE MUSCOGEE (CREEK) NATION SUPREME COURT

MUSCOGEE (CREEK) NATION)
NATIONAL COUNCIL,)
)
and)
)
ROBERT TREPP, an individual Muscogee)
(Creek) tribal citizen, and DOES 1-10,)
Inclusive,)
)
Petitioners,)
)
v.)
)
MUSCOGEE (CREEK) ELECTION)
BOARD, A.D. ELLIS, in his capacity as)
Principal Chief of the Muscogee (Creek))
Nation, and MUSCOGEE (CREEK))
CONSTITUTIONAL CONVENTION)
COMMISSION,)
)
Respondents.)

SUPREME COURT
FILED

DEC 09 2010

ROSANNA L. FACTOR, COURT CLERK
MUSCOGEE (CREEK) NATION

Supreme Court Case
No. SC 09-10

MVSKOKVLKE FVTCECKV CUKO HVLWAT VKERRICKV HVYAKAT
OKETV YVNKE VHAKV HAKATEN ACAKKAYEN MOMEN
ENTENFVTCETV, HVTVM MVSKOKE ETVLWVKE ETEHVLVTKE VHAKV
EMPVTAKV

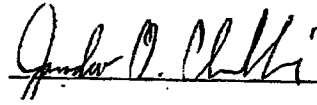
CLARIFYING ADDENDUM TO DECEMBER 3, 2010 MAJORITY OPINION

This Court’s December 3, 2010 Majority Opinion addresses the arguments raised by the dissenting Justices in their December 7, 2010 “Response.” This Majority Opinion is available for any interested party to review, and we encourage them to do so. Therefore, this Court need not address the dissent’s arguments.

The **Majority Opinion** was issued recognizing the critical need for clarity in this Nation regarding the validity of the legal process by which Amendments were approved in the November 7, 2009 Special Election. Therefore, for clarity purposes, we must address the respective weight interested parties should place on the Majority Opinion and the dissent. In order to do so, we restate that at the time the substantive vote was taken in this case, **the vote was 3-2**. This substantive vote was the **final** and controlling vote on the Justices' positions regarding the central issues in the case. **The inapplicability of NCA 82-30 to a five-Justice Court, the inherent authority of the Supreme Court to maintain judicial independence free from undue legislative interference in internal operations and policy, and this Court's inherent authority to rule by majority in issuing its decisions, were among the substantive issues debated. These issues constituted logical underpinnings to the Majority's position and were essential factors incorporated in this Court's substantive vote.**

When the vote was taken, the Court discussed that Justices Harjo-Ware and Mouser, as participating Justices in the final vote in this case, were entitled to disagree with the majority, and file a written dissent. Justice Supernaw, however, never participated in this case. The case had been debated and decided prior to her joining the bench. The dissenting Justices' attempt to insert a third vote in their favor is an attempt to imply a 3-3 tie – a result that does not reflect this Court's vote. **No such tie exists, or ever existed, regarding this Court's substantive vote in this case.** Accordingly, this Court's **Majority Opinion carries with it the full force and effect of any Supreme Court opinion.**

For the reasons stated above, the minority's "Response" dated December 6, 2010 shall be treated as the minority's dissenting opinion.



Jonodev O. Chaudhuri, Chief Justice



Houston Shirley, Vice Chief Justice



Amos McNac, Associate Justice