IN THE CONSTITUTIONAL COURT OF THE CHOCTAW NATION OF OKLAHOMA

CHOCTAW NATION OF OKLAHOMA)	
Appellant/Petitioner,	G - N - GG 44 04
And)	Case No. CC-24-02 FILED CHOCTAW NATION OF OKLAHOMA CONSTITUTIONAL COURT CLERK
KENNETH TYRELL DUNCAN,	
Appellee/Respondent,	SEP 2 7 2024
)	BY and Schuman Deputy

ORDER GRANTING CERTIORARI AND REVERSING AND REMANDING CASE TO DISTRICT COURT

This matter comes on for hearing on Petition for Certiorari. A hearing was held on July 16, 2024 where Appellant and Appellee presented argument. Certiorari is granted as the issue presented is one of substance that has not been decided by this Court and pursuant to Rule 6 of the Rules for the Constitutional Court of the Choctaw Nation of Oklahoma, certiorari is proper and is granted. No extensive analysis is necessary as this case involves a set of uncontested dates and facts. The sole question considered by this Court is whether the amendment of the Choctaw Nation Criminal Procedure Code (CNCPC) §152, extending the statute of limitations from 3 years to 5 years violated the CNCPC §3 which states that, "[N]o part of this code is retroactive unless expressly so declared". This Court has heard arguments, considered the briefs and the referenced cases from the State of Oklahoma, and disagrees with *State of Oklahoma v. Watkins*, 1992 OK CR 50, 837 P.2d 447. We rule that the amendment to CNCPC §152 is not retroactive as applied to cases with non-expired statutes of limitations at the time CNCPC §152 was amended. The Order of the District Court and the Court of Appeals entered on April 29, 2024 is overturned and

this matter is reversed and remanded to the District Court for further proceeding consistent with this order.

IT IS SO ORDERED:

David Burrage, Chief Justice

Frederick Bobb, Tribal Judge

Mitchell Mullin, Tribal Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 21th day of September 2024, a true and correct copy of the above and the foregoing instrument was mailed, first class mail, postage prepaid, and/or delivered electronically to:

CNO Tribal Prosecutor CNO Public Defenders Office courtclerks@choctawnation.com Sandy Stroud, Clerk for the CNO Appeals Court

Cara Schumann, Constitutional Court Clerk

Caro Schumann