

**IN THE NORTHERN CHEYENNE TRIBAL COURT  
THE NORTHERN CHEYENNE TRIBE  
LAME DEER, MONTANA**

NORTHERN CHEYENNE TRIBE,

Plaintiff,

v.

MELISSA RAE FISHER, et. al.,

Defendant.

Case No. AR26-039

**MOTION TO REQUIRE SEPARATE COUNSEL FOR DEFENDANTS**

COMES NOW, the Northern Cheyenne Tribe, respectfully moves the Court to address a conflict of interest arising from the joint representation of the Co-Defendants by the by the same attorney, Elmore Limberhand, III.

The Defendants' interests are materially adverse. At a minimum, their interests present a substantial risk of materially limited representation. Continued joint representation threatens the fairness and integrity of these proceedings. During any plea negotiations or cooperation agreements, their interests will be opposed. The Court possesses inherent and explicit authority under Northern Cheyenne law to regulate attorney conduct, prevent unethical or improper representation, and ensure proceedings before it are fair and orderly. The Court should require Defendants obtain separate counsel.

**FACTUAL BACKGROUND**

On October 8, 2025, a group of former tribal council members, including Defendants Karson Campbell, Melissa Rae Fisher, Velma Lee Fisher, Aiden Littlelight, Melissa Lonebear, Howard James Ontiveros, Ryhal Bertha Nicole Rowland, Spencer James Spottedhorse, and Gwendolyn Amber Talawyma (Spottedhorse), unlawfully entered the Northern Cheyenne Tribal building in an effort to disrupt operations as a means of obtaining their reinstatement to the Tribal

Council after recent removal. Melissa Fisher confronted staff at the human resources office, while another Defendant was seen in the electrical closet, and then electricity went out in the building. Another Co-Defendant, Ryhal Rowland, despite being subject to a restraining order, entered the premises and directly interfered with the protected party, causing this individual to feel threatened. The group's conduct further escalated when at least one co-defendant accessed a locked restricted hallway; others barricaded themselves in a room and refused to leave and forcibly removed an elder by physically ejecting him from the room.

On October 10, 2025, Bureau of Indian Affairs Lieutenant Cordell Anthony swore a complaint stating the Defendant violated the Northern Cheyenne Tribal Code, Section 7.9.3, by entering the Little Wolf Capital Building and disrupting building operations and staff functions. Protection of Officials, Employees, Enforcement Officers, Government, and Law Enforcement Officers, §7.9.3.

### **LEGAL AUTHORITY**

Under the Northern Cheyenne Civil Code, any person has a right to be represented by counsel of their choice, provided that the counsel is admitted the Court in accordance with the applicable procedures. § 2.12.2. Lay counselors are subject to the same standards as licenses professionals relating to matters within their professional capacity. § 2.12.1(A). As such, any person who appears as counsel “shall be subject to the same ethical obligations of honesty and confidentiality towards their client and the counselor/attorney-client testimonial privileges shall apply in in appropriate circumstances.” § 2.12.1(B). Subject to the Lay Advocate-Client Privilege, counsel must not disclose communications that are relevant to the outcome of the proceedings made by their client, without the client's consent. § 6.4.6. The Court has the duty to maintain and

enforce the highest standards of conduct, including observing those standards such that the integrity of the judiciary is preserved. Title X, Civ. Code R. 1.

While not binding on this Court, other tribal appellate courts have considered analogous ethical concerns. The Fort Peck Court of Appeals has observed that “[g]enerally, a lawyer should not represent co-defendants in a criminal case because it is impossible to zealously advocate, and maintain the lawyer's duty of confidentiality, attorney-client privilege, and loyalty to both clients, particularly when they may implicate one another in a crime.” *Sandau v. Fort Peck Tribes*, App. No. 835, ¶ 7 (Fort Peck Ct. App. Nov. 6, 2022). Another tribe has a specific codified rule regarding similar circumstances, which state that “a concurrent conflict of interest exists if the representation of one client will be directly adverse to another client” *Ho-Chunk Nation v. Ho-Chunk Nation Grievance Rev. Bd.*, No. CV 10-07, 2010 WL 11565089 (Ho-Chunk Trial Ct. June 9, 2010) (citing SCR 20:1.7a(1-2)). If there is a conflict then “there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.” *Id.*

Additionally, the ABA Model Rules state, “[t]he potential for [a] conflict of interest in representing multiple defendants in a criminal case is so grave that ordinarily a lawyer should decline to represent more than one co-defendant.” MODEL RULES OF PRO. CONDUCT r. 1.7 cmt. 23 (Am. Bar Ass’n 2023).

Congress imposed procedural protections on the right to counsel through the Indian Civil Rights Act (ICRA). Tribal governments are bound by the procedural protections established in the ICRA including the right to retain counsel at the defendant’s own expense. The Supreme Court provides authority illustrating the federal Constitutional baseline that every criminal defendant has the right to assistance of counsel “unhindered by a conflict of interests,” *Holloway v. Arkansas*,

435 U.S. 475 (1978); *Cuyler v. Sullivan*, 446 U.S. 335 (1980). While *Cuyler* and *Holloway* provide persuasive authority illustrating the federal constitutional baseline, the ICRA supplies the legal framework within tribal jurisdiction, ensuring that defendants’ rights—including the right to conflict-free counsel—are protected.

## **ARGUMENT**

The continued joint representation of all nine Defendants creates a substantial risk of materially limited advocacy. The Defendants’ interests are not aligned, and each Defendants’ optimal defense strategy undermines or conflicts with the others. Counsel cannot “zealously advocate” for one Defendant without constraining the advocacy of the others, particularly with respect to the allocation of fault or responsibility, decisions regarding discovery and testimony, plea agreement advice, and trial strategy. For example, the Special Prosecutors have spoken with Defense Counsel about Co-Defendants’ cooperation against each other in exchange for a reduction in charge or dismissal. It is impossible for counsel to adhere to the ethical requirement of sincere and candid representation, and honesty and confidentiality, toward each Defendant when such offers are at play. This would be the situation where co-representation would be “so grave that ordinarily a lawyer should decline.” Mr. Limberhand could not represent both a testifying Co-Defendant witness and another Co-Defendant accused at trial. His interest would be opposed. This divide of loyalty at the most key intersects of this case creates a substantial risk of materially limited representation.

## **CONCLUSION**

The Northern Cheyenne does not bring this Motion for a tactical advantage, but to protect the integrity of the proceedings and ensure all parties receive a fair and unconflicted adjudication as provided for by the Northern Cheyenne Constitution and Civil Code. For the foregoing reasons,

the Court should grant the requested relief and require the Defendants to obtain separate counsels.

The Complaint is valid on its face.

Respectfully submitted,

s/ 

R. Trent Shores, OBA No. 19005

Ryan Heatherman, OBA No. 20721

Hillary K. Stuart, OBA No. 36559

**GABLEGOTWALS**

100 N. Elgin Ave., Suite 200

Tulsa, OK 74120-1495

Telephone: (918) 595-4800

Fax: (918) 595-4990

[tshores@gablelaw.com](mailto:tshores@gablelaw.com)

[rheatherman@gablelaw.com](mailto:rheatherman@gablelaw.com)

[hstuart@gablelaw.com](mailto:hstuart@gablelaw.com)

**Special Prosecutors**

**Northern Cheyenne Tribe**

**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2026, a true and correct copy of the foregoing document was delivered, via mail and electronic mail, to the following parties:

Elmore Limberhand, III, counsel for Mr. Ontiveros

Sossity Spotted Wolf, Criminal Clerk of Court for the Northern Cheyenne Tribe

s/   
\_\_\_\_\_  
Hillary K. Stuart