

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

NORTHERN CHEYENNE TRIBE,

Plaintiff,

v.

MELISSA RAE FISHER, et. al.

Defendants.

Case No. AR26-034 through AR26-044

**MOTION IN LIMINE TO PRECLUDE DEFENDANTS FROM INTRODUCING OR
REFERENCING THE PRIOR REMOVAL OF TRIBAL COUNCIL MEMBERS**

COMES NOW the Northern Cheyenne Tribe, by and through its Special Prosecutors, and respectfully moves the Court for an order prohibiting defense counsel, Defendants, and any witness from referencing, eliciting testimony about, or otherwise introducing any evidence concerning the prior removal of the former Tribal Council members. Such information is irrelevant to the charges in this case and poses a substantial risk of confusing the issues, misleading the trier of fact, and causing unfair prejudice. In support, the Tribe states as follows:

LEGAL STANDARD

Under Northern Cheyenne law, only relevant evidence may be introduced in court proceedings. Evidence is relevant only if it tends to make a fact of consequence more or less probable. Northern Cheyenne Tribal Code, § 6.1.4. Irrelevant evidence is inadmissible, and the Court has broad discretion to exclude such evidence where it risks confusion, delay, or prejudice. Northern Cheyenne Tribal Code. *Id.*

ARGUMENT

A. The Prior Removal of Tribal Council Members Is Irrelevant to the Charged Offenses

Defendants are charged with violating Northern Cheyenne Tribal Code § 7.9.3 by unlawfully entering the Little Wolf Capital Building for the purpose of intimidating or interfering with government employees in the performance of their official duties. The elements of the offense concern whether Defendants interfered with any elected or appointed official or employee of the Tribe by preventing or delaying the performance of official duties without lawful authority. § 7.9.3(A)(2) and § 7.9.3(D). The offense does not require proof that the Defendants were trespassers, does not turn on the Defendants' former positions, and does not require the jury to resolve disputes about tribal leadership or council legitimacy.

The prior removal of Defendants—or of any other individuals—from the Tribal Council is wholly immaterial and irrelevant to the issues before the Court. The present charges pertain solely to Defendants' conduct on October 8, 2025, including whether they intimidated or interfered with any elected or appointed official or employee of the Tribe. The fact that any person was previously removed from the Tribal Council does not render any element of the charged offenses more or less probable and is therefore without relevance to this proceeding.

Accordingly, whether Defendants were former council members, whether a new council had been implemented, or whether Defendants believed they had authority to be present at the tribal building are not facts of consequence to the charged offense.

B. The Circumstances of the Former Tribal Council's Removal will Confuse the Issues

Allowing testimony or argument regarding the political circumstances surrounding the prior removal of the former Tribal Council members from office invites:

- collateral disputes,
- political commentary,

- inflame emotional passions,
- jury nullification arguments, and
- confusion regarding the actual issues in this case.

The Tribe does not intend to litigate or defend at trial the reasons underlying the prior removal of the former Tribal Council members. The Court will have already addressed any probative issues related to that removal in resolving Defendants' pending Motion to Dismiss and Motion to Remove Special Prosecutors. The Court is not tasked with revisiting those matters at trial. Allowing such evidence would improperly shift this narrow criminal proceeding into a broader political dispute wholly unrelated to the conduct charged. The Court has an affirmative obligation to preserve the integrity of the judicial process and ensure orderly proceedings. Introducing irrelevant political grievances would undermine those objectives and risk transforming the trial into political theater.

C. Any Claimed “Right to Be There” is Not a Defense to the Charged Offense

It is anticipated that Defendants may argue that their former status or political motivations explain why they went to the building. Even if assumed true, that assertion does not excuse or negate the interference with any elected or appointed official or employee of the Tribe by preventing or delaying the performance of official duties without lawful authority.

A person can have a reason, and even more importantly, permission to be present at a government building and still unlawfully interfere with government operations. The charged offense concerns what the Defendants did while they were in the building, not that they had a right to be on the property. Allowing such arguments by the Defendants about their former council status, and political disputes would invite improper legal theories and is misleading about the applicable law.

CONCLUSION

For the foregoing reasons, the Northern Cheyenne Tribe respectfully requests that this Court grant this Motion in Limine and preclude the Defendants, defense counsel, and any witness from introducing, referencing, or alluding to the prior removal of the former Tribal Council members at any stage of trial, including opening statements, examination of witnesses, and closing argument.

Respectfully submitted,

s/ 

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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 Defendants

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

s/  _____
Hillary K. Stuart