

AFFIDAVIT OF GERI WISNER

Geri Wisner, being first duly sworn upon oath, alleges and states:

- ¶ 1. I am of legal age and have personal knowledge of the facts set forth herein.
- ¶ 2. I previously served as Attorney General for the Kickapoo Tribe of Oklahoma and as a prosecutor for several tribal nations. I now serve as the Attorney General for the Muscogee (Creek) Nation.
- ¶ 3. For the time period July 9, 2019, through the United States Supreme Court's decision in *McGirt v. Oklahoma* on July 9, 2020, the Muscogee (Creek) Nation Office of the Attorney General ("OAG") presented to the Muscogee (Creek) Nation District Court the following cases for filing:

Criminal Felonies: 42
Criminal Misdemeanors: 31
Domestic violence felonies: 4*
Domestic violence misdemeanors: 6*

*Domestic violence cases are included in the felony and misdemeanor totals.

- ¶ 4. Following the United States Supreme Court's decision in *McGirt v. Oklahoma* on July 9, 2020, the Nation has invested significant additional resources in its law enforcement system. The Nation has hired 5 new prosecutors, 8 new administrative staff, 3 new judges, 8 new investigators, 50 new police officers, and 7 new dispatchers.
- ¶ 5. Since the *McGirt* decision on July 9, 2020, the following cases were presented by the OAG to the District Court for filing through July 6, 2022:

Criminal Felonies: 2,959
Criminal Misdemeanors: 2,290
Domestic violence felonies: 464
Domestic violence misdemeanors: 689
Juvenile deprived and delinquent: 103

*Domestic violence cases are included in the felony and misdemeanor totals.

- ¶ 6. For the period January 1, 2021, through December 31, 2021, the OAG presented to the District Court the following cases for filing:

Criminal Felonies: 1,571
Criminal Misdemeanors: 1,082
Domestic violence felonies: 308
Domestic violence misdemeanors: 368
Juvenile deprived and delinquent: 55

*Domestic violence cases are included in the felony and misdemeanor totals.

- ¶ 7. For the period January 1, 2022, through July 6, 2022, the OAG presented to the District Court the following cases for filing:

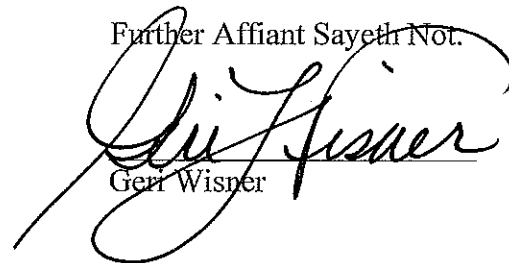
Criminal Felonies: 895
Criminal Misdemeanors: 750
Domestic violence felonies: 106
Domestic violence misdemeanors: 246
Juvenile deprived and delinquent: 33

*Domestic violence cases are included in the felony and misdemeanor totals.

- ¶ 8. The Nation has 64 cross-deputization agreements with entities including the United States Bureau of Indian Affairs, the State of Oklahoma, and various Oklahoma agencies and political subdivisions, including numerous Oklahoma municipalities and including specifically the City of Tulsa. These agreements confer enforcement authority on Nation officers over non-Indians for violations of non-tribal laws, and confer like authority on non-Nation officers over Indians for violations of Nation laws—with subsequent referrals in each case to the government with jurisdiction.
- ¶ 9. These cooperative agreements accordingly provide broad authority for the Nation and signatory municipalities and other State political subdivisions and agencies to provide comprehensive law enforcement protection to citizens of the State of Oklahoma and the Nation throughout the Muscogee (Creek) Reservation.
- ¶ 10. Since *McGirt*, the Nation, through its cross-deputization agreements, has referred approximately 4,162 criminal matters to non-Indian governments and has received 4,136 referrals from non-Indian governments.
- ¶ 11. With the exception of traffic violations described below, a substantial number of the cases we are prosecuting originated in referrals from the City of Tulsa Police Department. We prosecute the vast majority of cases referred to us by the Tulsa Police Department. The Nation declines to prosecute Tulsa referrals where the referred case did not involve crimes committed within the Muscogee (Creek) Reservation, the case involves a non-Indian offender whose crimes fall within the jurisdiction of the United States, and/or the offender has been charged by federal prosecutors.
- ¶ 12. The Nation's cross-deputization agreements also authorize the parties to refer citations for traffic offenses to the authority with proper jurisdiction.
- ¶ 13. Since *McGirt*, the Nation has issued 1,001 civil and criminal sanctions for traffic violations within its Reservation, and referred 155 to non-tribal governments.

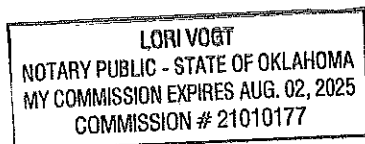
- ¶ 14. For the time period January 1, 2021, to July 5, 2022, the Nation's Lighthorse police force issued 339 traffic tickets to Indians within its Reservation.
- ¶ 15. The following municipalities, political subdivisions, and agencies have provided referrals for traffic citations to the Nation: Bixby; Bristow; Broken Arrow; Coweta Police Department; State of Oklahoma, Department of Tourism & Recreation, Division of State Parks; Drumright; Glenpool; McIntosh County; Mounds; Oklahoma Highway Patrol; Sapulpa; and Tulsa County.
- ¶ 16. For the time period January 1, 2021, to July 5, 2022, the Nation received 1,001 referrals for traffic citations from the municipalities, political subdivisions, and agencies referenced in paragraph 15.
- ¶ 17. The City of Tulsa is authorized by its cross-deputization agreement with the Nation to refer traffic tickets to the Nation. Following *McGirt*, the City of Tulsa has not referred any traffic tickets to the Nation notwithstanding its authority to make such referrals.

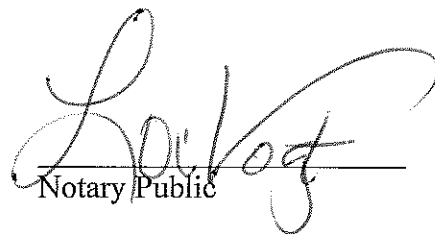
Further Affiant Sayeth Not.


Geri Wisner

Subscribed and sworn to before me this 11th day of July, 2022.

(Seal)




Notary Public