



In the Trial Court of the Kiowa Tribe  
at  
Carnegie, Oklahoma

CHAIRMAN LAWRENCE SPOTTEDBIRD, )  
Plaintiff, )  
v. )  
STEVE GERONIMO HOPKINS, COORDINATOR,) )  
Defendant. )

Case No. KT-CIV-25-0001  
Judge: Mitchell

ORDER

This matter came before the Court for hearing on March 14, 2025 at 10:00 am. Robert Lyttle appeared on behalf of the Plaintiff. The Defendant did not appear.<sup>1</sup>

As a preliminary matter, the Court addressed the Motion filed by the Defendant requesting a court appointed attorney or, in the alternative, that he be permitted to use Kiowa Indian Council funds for his legal defense. The Court first noted that there is no right to counsel in civil cases so that request is denied. As to the use of Kiowa Indian Council funds, this matter was not brought due to actions taken by the Defendant in his official capacity but instead alleges that the Defendant acted outside of the scope of his duties. Specifically, this matter was brought pursuant to Rule 35 of the Kiowa Rules of Civil Procedure as the allegations are that the Defendant usurped his position and took unlawful action. Therefore, any use of Kiowa Indian Council funds for his defense would be highly inappropriate and this Court declines to order the use of those funds for the purpose requested by the Defendant.

The Court then addressed the temporary injunction prohibiting the cancellation of the Kiowa Indian Council meeting and prohibiting the Defendant from interfering in the selection of a successor coordinator. The Court granted that injunction finding that there could be irreparable harm if the injunction were not granted. That injunction shall be made permanent. The Constitution is very clear that the annual meeting of the Kiowa Indian Council shall be held the first Saturday of each April. Kiowa Const. Article V, Section 4 (a). "Shall" in legal speak is not optional. Any attempt to cancel this meeting is unconstitutional.

In addition, the Kiowa Constitution dictates a specific procedure for the selection of a part time coordinator each year at the annual meeting. Kiowa Const. Article V Section 2 (a). Again, the Kiowa Constitution specifically states that a part time coordinator "shall" be selected at the annual meeting, meaning that it is not optional. Therefore any attempt to impede this annual process is unconstitutional.

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<sup>1</sup> The Defendant appeared at 10:30 am after the hearing was concluded.

Last, the Plaintiff's complaint requests that the Court make findings as to whether the resolutions proposed by the Defendant are constitutional. The Court interprets this as a request for an advisory opinion. The Kiowa Constitution specifically refers to the trial court as having original jurisdiction over "cases and controversies." Kiowa Const. Article VIII, Section 5 (a). The phrase "cases and controversies" has been interpreted since the late 1700s as meaning an actual dispute and not a hypothetical or advisory situation. Accordingly, the Court declines to issue an advisory opinion or make any findings regarding the constitutionality of these resolutions. The Court does note, however, that pursuant to Article V, Section 5, there is a specific procedure that must be followed with regards to resolutions. Any Kiowa citizen is entitled to attend the annual meeting and voice their opinions on any resolution. In addition, should a resolution be approved, at that point it would be ripe for a constitutional challenge.

The Court was then asked to take judicial notice of the fact that the resolutions in question do not appear to have been published as required pursuant to Article V, Section 5 (c). The Court so notes that based on the information provided to the court, they do not appear to have been published as required.

It is ORDERED that the injunction shall become permanent. The Defendant is ORDERED that he shall not interfere with the annual meeting, nor shall he interfere in the annual selection process for Kiowa Indian Council Coordinator.

This is a final order that may be appealed in accordance with the Kiowa Rules of Appellate Procedure.

SO ORDERED.

This the 17<sup>th</sup> day of March, 2025. *Nunc pro tunc.*



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Heather Mitchell, Chief Judge

CERTIFICATE OF MAILING

I, the undersigned Court Clerk, hereby certify that I emailed, faxed, hand delivered, or mailed a true and correct copy of this document to the following interested parties:

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