



# WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance  
Over the Fort Apache Indian Reservation*

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## **Resolution No. 11-2013-211**

### **(Approval of Special Prosecutor DeBrigida Law Offices)**

**WHEREAS,** by Resolution No. 02-2010-30, the Tribal Council, on February 1, 2010, directed the Tribal Elections Commission to separate and invalidate various absentee ballots based on its finding that said absentee ballots were improperly requested, executed, and/or submitted; and

**WHEREAS,** independent counsel Troy Eid of Greenberg Traurig, in his report to the Tribal Council dated May 2, 2010, recommended that the named offenders be prosecuted for civil and criminal violations of the Election Code; and

**WHEREAS,** the Tribal Council accepted the report and the recommendation; and

**WHEREAS,** the Assistant United States Attorney John J. Tuchi, in his report of investigation of the events that occurred in connection with said absentee ballots, recommended that further investigation of criminal violations of the Tribal Election and Criminal Codes be undertaken by a special prosecutor, and further advised that upon the appointment of said special prosecutor, his office would seek an order of the United States District Court supervising the grand jury to share that information with a special prosecutor for the limited purpose of evaluating whether criminal charges would be appropriate under Tribal law; and

**WHEREAS,** the Tribal Council accepted the report and the recommendation; and

**WHEREAS,** Ronald M. DeBrigida, Jr., former Deputy County Attorney with the Maricopa County Attorney's Office responsible for prosecuting crimes involving official corruption, now of DeBrigida Law Offices, PLLC, has conducted an initial review of the foregoing issues and has agreed to be retained as Special Prosecutor to investigate and, if necessary, prosecute the cases in Tribal court; and

**WHEREAS,** the independence, funding source, reporting responsibility, and support for the work of the Special Prosecutor needs to be clearly established by the Tribal Council.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that DeBrigida Law Offices, PLLC, be confirmed as Special Prosecutor for the alleged crimes identified in the above reports and other materials related to the use of absentee ballots in the 2010 White Mountain Apache Tribe's Primary Election. As Special Prosecutor he is free to hire any and all support staff as he alone determines necessary and expedient, including investigators, other attorneys, administrative staff and other personnel and experts required for performance of his duties.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Special Prosecutor be completely independent of influence, coercion, threats, and any and all attempts to sway his investigation and prosecution by any Tribal entity or employee, including members of the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Special Prosecutor be accountable only to the Tribal Council which has sole power to remove him but not to direct his work

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that all tribal departments and entities, including Prosecution, Legal, Police, Business Office, and Election, be directed to fully cooperate with the Special Prosecutor, including supplying information, copies of documents, and support as requested within the limits of their authority and budgets.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Special Prosecutor report any violations of this resolution to the Tribal Council and that if additional funding is required to complete his work that he report to Council to justify the request for additional funding.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.


**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on **NOVEMBER 1, 2013** duly adopted by a vote of **SIX** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (d), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
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Ronnie Lupe, Chairman

12/10/13  
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Date

  
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Mariddie J. Craig, Secretary

12/10/2013  
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Date