



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 01-2014-13

(Enactment of Ordinance No. 268, Amending Rule 7.1 E. of the Rules of Criminal Procedure)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution, Article IV, Section 1(q) to act in all matters that concern the welfare of the Tribe, including but not limited to, the amendment of codes through the adoption of ordinances; and

WHEREAS, Ordinance No. 268 proposed changes to Rule 7.1 E. of the Rules of Criminal Procedure; and

WHEREAS, on December 4, 2013 the Tribal Council authorized the posting of Ordinance No. 268, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe and it was posted on December 17, 2013. Since that time, the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

WHEREAS, the Council has reviewed Ordinance No. 268 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of the amendments to the Criminal Code, as set forth in Ordinance No. 268 to be in the best interest of the White Mountain Apache Tribe.

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts Ordinance No. 268, attached hereto and incorporated by reference, which amends Rule 7.1 E. of the Rules of Criminal Procedure.

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 **JANUARY 21, 2014** 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), (q), (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).



Ronnie Dupe, Chairman

2/18/14
Date



Mariddie J. Craig, Secretary

2/18/14
Date

**ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 268, amending White Mountain Apache Rules of Criminal Procedure, Rule 7.1 as follows:

RULE 7.1 SENTENCING

~~E. — Pardon. The Chairman of the Tribal Council may, in his discretion, grant a reprieve, pardon, and commutation, after sentence, except in the case of a person convicted twice of the same offense. The Chairman shall report to the Tribal Council each reprieve, pardon, and commutation granted, stating the pertinent facts and the reasons for granting it.~~