



# **WHITE MOUNTAIN APACHE TRIBE**

**A Sovereign Tribal Nation**

**(Enacting Ordinance No. 298, Amending the Rules of Criminal Procedure of the White Mountain Apache Tribe)**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(q) that the Tribal Council (“Council”) shall exercise the power “To enact ordinances establishing and governing tribal courts and law enforcement on the reservation”; and

**WHEREAS,** The Constitution further provides, at Article IV, Section 1(s) that the Council shall exercise the power to appoint “...boards, ...and to regulate subordinate organizations”; and

**WHEREAS,** Rule 7.3 of the Tribe’s Rules of Criminal Procedure establishes a Parole Board to hear post-sentencing motions filed by defendants or the Tribe; and

**WHEREAS,** The Parole Board advised the Tribe’s Office of the Attorney General that both the Parole Board’s policies and Rule 7.3 needed amending; and

**WHEREAS,** The Tribe’s Department of Corrections, White Mountain Apache Police Department, and Office of the Attorney General drafted revisions to both documents, which now requires several amendments to Rule 7.3 of the Tribe’s Rules of Criminal Procedure; and

**WHEREAS,** On September 12, 2019, by Council Resolution No. 09-2019-186, the Tribal Council authorized the public posting of Ordinance No. 298, as required by Article XV of the Constitution; and

**WHEREAS,** Ordinance No. 298 was publicly posted for the requisite time, and the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

**WHEREAS,** The Council has reviewed Ordinance No. 298 carefully, and finds that amending to the Rules of Criminal Procedure, as set forth in Ordinance No. 298 to be in the best interests of the White Mountain Apache Tribe and its members.

**BE IT ENACTED** by the Tribal Council of the White Mountain Apache Tribe that it hereby enacts Ordinance No. 298, attached hereto and incorporated by reference, which amends Rule 7.3 of the Rules of Criminal Procedure.

**BE IT 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.

**Resolution No. 10-2019-205**

*Ordinance No. 298*

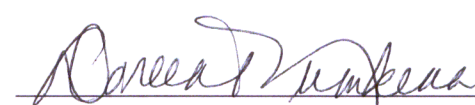
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **OCTOBER 2, 2019** duly adopted by a vote of **ELEVEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
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Gwendena Lee-Gatewood, Chairwoman

10/11/19  
Date

  
\_\_\_\_\_  
Doreen T. Numkena, Tribal Secretary

10/14/19  
Date