



# WHITE MOUNTAIN APACHE TRIBE

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

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## **TRIBAL RESOLUTION 05-2012-26**

### **(Suspending Judge Reagan Armstrong Pending Final Determination on Complaints)**

- WHEREAS,** the White Mountain Apache Tribe ("Tribe"), as a federally recognized Indian tribal government, with inherent rights of self-governance, and pursuant to its Tribal Constitution, exercises rights of self-determination through its duly elected Tribal Council ("Council") leaders; and
- WHEREAS,** to provide a fair and independent forum to adjudicate all cases and matters arising within the jurisdiction of the Tribe, the Council established the Tribal Court System and adopted the Tribal Judicial Code for the purpose of administering justice on the Fort Apache Indian Reservation ("Reservation"); and
- WHEREAS,** the integrity of the Tribal Judiciary rests on the ability of judges to resolve all matters before the Court with impartiality, adherence to the law and in a manner that promotes public confidence in their ability to competently and fairly administer justice; and
- WHEREAS,** the Tribe's Judicial Code affirms the high degree of trust and integrity required to serve as a Tribal Court judge and it establishes strict standards governing the behavior and actions of Tribal Court judges; and
- WHEREAS,** a judge's failure to adhere to the strict standards laid out in the Judicial Code may result in the miscarriage of justice and provides the Tribal Council with a basis for removal from the position of Tribal Court judge and all of the responsibility that this entails; and
- WHEREAS,** the Tribal Council, on this day, received and was made aware of several complaints pertaining to Reagan Armstrong, an associate Tribal Court judge. The complaints constitute potential abuse of office, neglect of duty, and gross misconduct under the standards established by the Judicial Code; and
- WHEREAS,** that based on the seriousness of the complaints, the Tribal Council finds that it is in the best interest of the White Mountain Apache Tribe to suspend Mr. Reagan Armstrong from his judicial post until a special council hearing is scheduled, pursuant to the Judicial Code, and the a determination regarding the complaints against Mr. Armstrong are resolved.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby suspends Reagan Armstrong from his position as a for the Tribal Court. He is to refrain from acting in any capacity with the Tribal Court and the Tribal Court Administrator is directed to re-assign all of Mr.

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Armstrong's cases for adjudication. Mr. Armstrong is directed not to enter the Tribal Court offices for any reason until this matter is resolved.

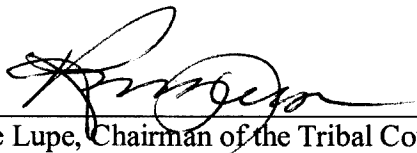
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that Mr. Armstrong on this day shall be provided a written notice of the complaints pertaining to his alleged acts and that a special tribal council meeting be scheduled as soon as practicable for the Tribal Council to make a final determination regarding the complaints.

**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 of have no legal effect. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

**BE IT FINALLY 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 provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

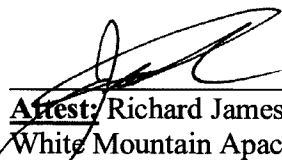
The foregoing resolution was on May 4, 2012 duly adopted by a vote of SIX for, ONE against and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b),(f), (i), (k), (s), (t) and (u) of the Tribal Constitution, 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 of the Tribal Council

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5-8-12  
Date

  
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Mariddie J. Craig, Secretary of the Tribal Council

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5-8-2012  
Date

  
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**Attest:** Richard James Palmer, Tribal Attorney  
White Mountain Apache Legal Department

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5/8/12  
Date