



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 12-2013-229

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

WHEREAS, pursuant to Article IV, Section 1(q) of the Tribal Constitution, the Tribal Council may enact ordinances to establish and govern Tribal Courts and law enforcement on the reservation; and

WHEREAS, the Legal Department came before the Tribal Council this day to propose a change to Criminal Rule 7.1 E.; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe finds that the recommendations by the Legal Department, as set forth in Ordinance No. 268, are in the best interest of the White Mountain Apache Tribe; and

WHEREAS, the Tribal Council concludes that Ordinance No. 268 should be posted in each district for at least ten (10) days before final action is taken by the Council, as required by Article XV, Section 2, of the Constitution of the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution along with Ordinance No. 268 in the form and content attached hereto, in each District for at least ten (10) days before final action on the amendment is taken by the Tribal Council.
2. That any and all comments concerning these Ordinances may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.
3. That upon completion of the posting period, the Tribal Council Secretary is directed to (a) submit proof of posting of the amendment to the Tribal Council and to the Legal Department; (b) report any public comments to the Tribal Council, and (c) schedule a Tribal Council meeting through the Office of the Tribal Chairman for final action by the Tribal Council.

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.

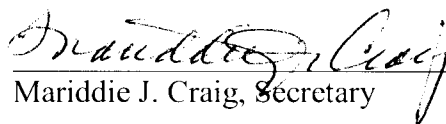
The foregoing resolution was on **DECEMBER 4, 2013** duly adopted by a vote of **SIX** for, **ZERO** against, and **ONE** abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (f), (h), (i), (q), (r), (s), (t) and (u) 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).



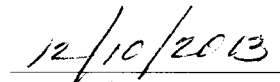
Ronnie Lupe, Chairman



Date



Mariddie J. Craig, Secretary



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, **after review by and concurrence from the Attorney General**, in his discretion, grant a ~~reprieve, pardon, and commutation,~~ to a person(s) upon:

1. **Completion of their sentence, incarceration, parole, probation, and/or deferred prosecution, except in the case of a person convicted twice of the same offense; and**
2. **Three (3) years after being sentenced.**

~~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. **A pardon by the Chairman:**

1. **Does not guarantee the restoration of all civil rights; and**
2. **Shall in no way affect registration with the WMA Sex Offender Registry, tracking, or other restrictions.**