

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Finding Gu Vo District Chairman Rodrick Manuel Not Guilty of a Removable
Offense of Moral Turpitude as Charged in Count 1 of the Accusation)

LEGISLATIVE ORDER NO. 16-480

1 **WHEREAS,** the Legislative Council is constitutionally vested with “all of the legislative powers
2 vested in the Tohono O’odham Nation” and is exclusively vested with the authority
3 to conduct removal upon accusation proceedings when a Nation’s elected officer
4 or judge is accused of committing a removable offense (Constitution of the
5 Tohono O’odham Nation, Article VI, Section 1 and Article XIII, Section 1; 12
6 Tohono O’odham Code Chapter 1, Article X, Section 11002); and

7 **WHEREAS,** pursuant to 12 Tohono O’odham Code Chapter 1, Section 11002 removal upon
8 accusation proceedings are commenced “by the filing with the chairperson of the
9 Legislative Council Judiciary Committee a written, notarized statement stating
10 the offense(s) charged against the accused in ordinary and concise language and
11 signed by a registered voter or voters of the Nation.”; and

12 **WHEREAS,** August 11, 2016, registered voter Michael Flores (the “Accuser”) filed with the
13 Legislative Council a written, notarized statement for removal from office
14 (“Accusation”) against Gu Vo District Officials Chairman Rodrick Manuel and
15 Vice-Chairwoman Angelita Castillo (the “Accused”) alleging the Accused
16 committed removable offenses; and

17 **WHEREAS,** pursuant to 12 Tohono O’odham Code Chapter 1, Section 11002(C), the Judiciary
18 Committee conducted a reasonable cause hearing, dismissed accusation count 3,
19 and found reasonable cause to believe that the Accused had committed the
20 remaining removable offenses as charged in the accusation, and filed the
21 accusation and copies of the resolutions supporting its determinations with the
22 Council secretary; and

23 **WHEREAS,** on September 14, 2016 the Legislative Council by Legislative Order No. 16-454
24 adopted Removal Hearing Procedures and set a removal hearing on the
25 Accusation for September 27-28, 2016; and

26 **WHEREAS,** the Accused’s advocate was personally served on September 15, 2016, more than
27 ten days before the removal hearing, with a written removal hearing notice, a
28 copy of the Accusation and attachments, and the Tohono O’odham Legislative
29 Council Removal Hearing Procedures; and

30 **WHEREAS,** the Accused was represented by counsel, received disclosure from the Accuser,
31 was given the opportunity to file motions and subpoena witnesses, and at the
32 Legislative Council’s September 27-28, 2016 removal hearing was given the

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opportunity to be present, testify, call and question witnesses, make opening and closing statements, make objections, present evidence, and otherwise answer the allegations contained in the Accusation; and

WHEREAS, "If the accused is found guilty by a majority vote of the representatives of the Council present at the hearing, the Council shall pronounce judgment and enter such judgment upon the minutes of the Council. The judgment of conviction shall be final and shall provide that the accused is removed from office effective immediately upon the Council's vote." 12 T.O.C. Chapter 1 - Elections, Section 11002(E)(2).

NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it finds Gu Vo District Chairman Rodrick Manuel, not guilty of moral turpitude as charged in Count 1 of the Accusation and Count 1 is dismissed.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 28TH day of SEPTEMBER, 2016 at a meeting at which a quorum was present with a vote of 1,398.6 GUILTY; 1,622.8 NOT GUILTY; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 and Article XIII, Section 1 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

1 day of October, 2016

ATTEST:



Evonne Wilson, Legislative Secretary

29 day of September, 2016

ACTION: FINDING GU VO DISTRICT CHAIRMAN RODRICK MANUEL NOT GUILTY OF A REMOVABLE OFFENSE OF MORAL TURPITUDE AS CHARGED IN COUNT 1 OF THE ACCUSATION

DATE: SEPTEMBER 28, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	GUILTY	NOT GUILTY	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	183.60		X	
	2. VERNON J. SMITH (Gloria Zazueta)	183.60		X	
CHUKUT KUK 332.1	1. ETHEL GARCIA (<i>Absent</i>) (Marlakay Henry) (<i>Present</i>)	166.05	X		
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05		X	
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X		
	2. LORETTA LEWIS ()	132.50	X		
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X		
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X		
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90		X	
	2. SANDRA ORTEGA ()	102.90		X	X
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95		X	
	2. MONICA K. MORGAN ()	109.95		X	
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25		X	
	2. JANA MONTANA (<i>Absent</i>) (Gloria Ramirez) (<i>Present</i>)	113.25		X	X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.30	X		
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X		
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.30		X	
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.30		X	X
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75		X	
	2. BARBARA HAVIER ()	256.75	X		
SIF OIDA 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X		
	2. MARY LOPEZ ()	115.80	X		
TOTAL		3,021.4	1,398.6	1,622.8	[03]