

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appointing Walter Marcus to the Tohono O'odham Judicial Court)**

RESOLUTION NO. 12-286

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to appoint judges to**
2 **the Tohono O'odham Judicial Court pursuant to the Constitution of the Tohono**
3 **O'odham Nation, ("Constitution") which states, "The Tohono O'odham Courts shall be**
4 **courts of record and shall consist of at least six (6) judges appointed by the Tohono**
5 **O'odham Council." (Constitution, Article VIII, Section 3); and**

6 **WHEREAS, the Constitution requires the judges' terms to be staggered so that two judges shall be**
7 **appointed every other year (Constitution, Article VIII, Section 4); and**

8 **WHEREAS, pursuant to 6 T.O.C. Chapter 1, Courts and Procedures, Section 1103(B), "A judge shall**
9 **continue to discharge the duties of that office, although the judge's term has expired,**
10 **until a successor is appointed and sworn in."; and**

11 **WHEREAS, the Uniform Election Ordinance also provides that when there is a vacancy "in the**
12 **office of a judge of the Tohono O'odham Courts, the Tohono O'odham Council shall**
13 **appoint a successor who shall hold office for the unexpired term of his predecessor."**
14 **(Uniform Election Ordinance, Article XI, Section 6.6., 12 Tohono O'odham Code**
15 **Chapter 1); and**

16 **WHEREAS, Judge Rose Johnson Antone's term expired on January 31, 2011 but Judge Antone held**
17 **office until her April 15, 2011 resignation, thereby creating a vacancy on the Tohono**
18 **O'odham Judicial Court for a term ending January 31, 2017; and**

19 **WHEREAS, the Judiciary Committee, having legislative oversight of matters pertaining to the**
20 **Tohono O'odham Judicial Court, has reviewed judicial candidate Walter Marcus'**
21 **completed application and background information, background investigation**
22 **report, and also interviewed Mr. Marcus; and**

23 **WHEREAS, the Legislative Council has likewise interviewed and considered judicial candidate**
24 **Walter Marcus who appeared before Council on July 12, 2012.**

25 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**
26 **appoints Walter Marcus as a Tohono O'odham Judicial Court judge for a term**
27 **beginning on the effective date of this resolution and ending January 31, 2017.**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH Day**
29 **of JULY, 2012 at a meeting at which a quorum was present with a vote of 2,304.90FOR;**
30 **475.70AGAINST; [02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council**
31 **by Section 3 of Article VIII of the Constitution of the Tohono O'odham Nation, adopted by the**
32 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
33 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
34 **18, 1934 (48 Stat. 984).**

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(Appointing Walter Marcus to the Tohono O'odham Judicial Court)

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin
Timothy Joaquin, Legislative Chairman
17 day of July, 2012

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
16 day of July, 2012

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 17 day of July, 2012 at 2:35 o'clock, P.M., pursuant to the provisions of Section 4 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin
Timothy Joaquin, Legislative Chairman

APPROVED on the 17 day of July, 2012
 DISAPPROVED at 4:01 o'clock, P.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of July, 2012, at 4:45 o'clock, P.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPOINTING WALTER MARCUS TO THE TOHONO O'ODHAM JUDICIAL COURT

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: JULY 12, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			X
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL <i>(Absent)</i> (Louis L. Johnson) <i>(Present)</i>	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ()	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X		X	
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS <i>(Absent)</i> (Racheal Wilson-Stoner) <i>(Present)</i>	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85		X		
	2. EVELYN B. JUAN MANUEL ()	237.85		X		
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X		X	
TOTAL		2,780.60	2,304.90	475.70	[02]	[01]