

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Finding Judge Michael T. Telep, Jr. Responsible for Committing Misconduct Reflecting
on the Dignity and Integrity of the Judicial Court as Charged in Count 3 of the
Suspension Statement)**

LEGISLATIVE ORDER NO. 13-061

1 **WHEREAS, the Legislative Council is exclusively vested with the authority to suspend Nation's**
2 **judges from office for criminal conduct, gross neglect of duty, and other grounds,**
3 **subject to a reasonable cause determination by the Judiciary Committee and a final**
4 **determination by the Legislative Council (6 T.O.C. Chapter 4, Suspension of Judges);**
5 **and**

6 **WHEREAS, upon commencement of proceedings with the Judiciary Committee, the Committee**
7 **is vested with authority to determine whether "there is reasonable cause to believe**
8 **that the accused judge has committed an offense for which suspension is available as**
9 **charged in the suspension statement" (6 T.O.C. Chapter 4, Section 4104); and**

10 **WHEREAS, on December 13, 2012 a written statement for suspension from office (the "Suspension**
11 **Statement") was filed with the Judiciary Committee Chairperson in accordance with**
12 **the 6 T.O.C. Chapter 4, Section 4103 by Chief Judge Teresa Donahue (the "Accuser")**
13 **against Tohono O'odham Nation Judge Michael T. Telep, Jr. (the "Accused Judge")**
14 **alleging the Accused Judge committed an offense for which suspension is available;**
15 **and**

16 **WHEREAS, the Accused Judge was served with notice of the hearing, the Suspension Statement,**
17 **and the Judicial Suspension Reasonable Cause Hearing Procedures adopted by**
18 **Judiciary Committee Resolution No. 12-01; and**

19 **WHEREAS, on January 16, 2013, the Judiciary Committee conducted a reasonable cause hearing**
20 **in accordance with the provisions of Title 6, Chapter 4, Section 4104 of the Tohono**
21 **O'odham Code and determined there is reasonable cause that the Accused Judge**
22 **committed an offense of misconduct reflecting on the dignity and integrity of the**
23 **judicial court as charged in Count 3 of the Suspension Statement (Judiciary Committee**
24 **Resolution No. 13-06); and**

25 **WHEREAS, pursuant to 6 Tohono O'odham Code Chapter 4, Section 4104(D), the Legislative**
26 **Judiciary Committee filed with the Secretary of the Legislative Council a copy of the**
27 **Suspension Statement and Judiciary Committee Resolution No. 13-06; and**

28 **WHEREAS, by Legislative Order No. 13-024, the Legislative Council set a judicial suspension**
29 **hearing for the Accused Judge for February 8, 2013 at 10:00 a.m. and adopted Judicial**
30 **Suspension Hearing Procedures to govern the suspension proceedings; and**

31 **WHEREAS, in accordance with Section 4105 of 6 T.O.C. Chapter 4 and the Judicial Suspension**
32 **Hearing Procedures, the Accused Judge was personally served on January 29, 2013 with**

1 (1) notice of the February 8, 2013 suspension hearing, (2) a copy of the Suspension
2 Statement, (3) copy of Judiciary Committee Resolution No. 13-06, and (4) copy of the
3 Judicial Suspension Hearing Procedures; and

4 WHEREAS, the Accused Judge was given notice and the opportunity to be present at the
5 suspension hearing, be represented by legal counsel, call and question witnesses,
6 cross-examine witnesses against him, make opening and closing statements, file
7 motions, make objections, present evidence, and otherwise answer the charges
8 contained in the Suspension Statement; and

9 WHEREAS, pursuant to 6 T.O.C. Chapter 4, subsection 4106(B), "During the term of a suspension,
10 a suspended judge shall not exercise any powers of the Judicial Court and shall not be
11 deemed to continue in office."

12 NOW, THEREFORE, BE IT ORDERED that the Tohono O'odham Legislative Council (1) finds Accused
13 Judge Michael T. Telep, Jr. responsible for committing misconduct reflecting on the
14 dignity and integrity of the judicial court as charged in Count 3 of the Suspension
15 Statement, and (2) suspends Accused Judge Michael T. Telep, Jr. from office for 60 days,
16 during which he shall not perform any services or exercise any powers of a Judicial
17 Court judge and he shall not be deemed to continue in office.

18 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 08TH day of
19 FEBRUARY, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-
20 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article
21 VI, Section 1 (a) and (l); Article VIII, Section 3 and 4; and Article XIII, Section 1 of the Constitution
22 of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
23 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,
24 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

25
26 TOHONO O'ODHAM LEGISLATIVE COUNCIL

27 
28 Timothy Joaquin, Legislative Chairman

29
30 8 day of February, 2013

33 ATTEST:
34 
35 _____
36 Evonne Wilson, Legislative Secretary

37
38 8 day of February, 2013

ACTION: FINDING JUDGE MICHAEL T. TELEP, JR. RESPONSIBLE FOR COMMITTING MISCONDUCT REFLECTING ON THE DIGNITY AND INTEGRITY OF THE JUDICIAL COURT AS CHARGED IN COUNT 3 OF THE SUSPENSION STATEMENT

DATE: FEBRUARY 08, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	RESPONSIBLE	NOT RESPONSIBLE	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	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 (Louis L. Johnson)	122.45	X		
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X		
	2. PAMELA ANGHILL ()	113.35	X		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		X
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X		
SAN LUCY 204.6	1. LORRAINE EILER (Diana Manuel)	102.30	X		
	2. JANA MONTANA (Gloria Ramirez)	102.30	X		
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	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. MARIA ACKERMAN ()	237.85	X		
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X		
	2. MARY LOPEZ ()	105.95	X		
TOTAL		2,780.60	2,780.60	-0-	[03]