

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Denying Accused Judge's Motion to Continue Suspension Hearing)**

LEGISLATIVE ORDER NO. 13-369

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

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

10 **WHEREAS, on August 5, 2013 Chief Judge Violet Lui-Frank ("Complainant") filed with the**
11 **Judiciary Committee chairperson an Amended Suspension Statement**
12 **requesting the suspension of Judge Larry K. Yazzie ("Accused Judge") in**
13 **accordance with the provisions of 6 Tohono O'odham Code Chapter 4, Section**
14 **4103; and**

15 **WHEREAS, after providing written notice of its reasonable cause hearing date, a copy of the**
16 **Amended Suspension Statement, and the Judicial Suspension Reasonable Cause**
17 **Hearing Procedures to both parties, the Judiciary Committee conducted a**
18 **suspension reasonable cause hearing on August 27-28, 2013 in accordance with**
19 **the provisions of 6 Tohono O'odham Code Chapter 4, Section 4104; and**

20 **WHEREAS, the Accused Judge was given the opportunity to file motions, be present at the**
21 **hearing, be represented by legal counsel, testify, call and question witnesses,**
22 **make opening and closing statements, make objections, present evidence, and**
23 **otherwise answer the charges contained in the Amended Suspension Statement;**
24 **and**

25 **WHEREAS, following deliberations, the Judiciary Committee found reasonable cause that**
26 **the Accused Judge committed conduct contrary to justice, honesty, modesty or**
27 **good morals and misconduct reflecting on the dignity and integrity of the**
28 **Judicial Court as charged in the Amended Suspension Statement; and**

29 **WHEREAS, on September 4, 2013, the Legislative Council Secretary serviced the parties with**
30 **the Judiciary Committee's reasonable cause resolutions, written notice of the**
31 **Legislative Council's September 17, 2013 suspension hearing, the Amended**
32 **Suspension Statement, and the Council's Judicial Suspension Hearing**
33 **Procedures; and**

34
35

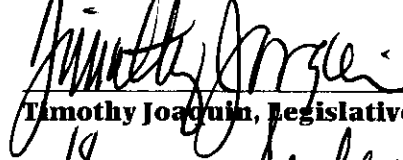
LEGISLATIVE ORDER NO. 13-369
(Denying Accused Judge's Motion to Continue Suspension Hearing)
Page 2 of 2

1 **WHEREAS,** on September 12, 2013 legal counsel for the Accused Judge filed a motion to
2 continue the September 17, 2013 suspension hearing and legal counsel for the
3 Complainant filed a response.

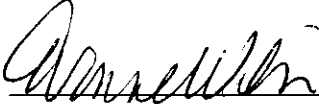
4 **NOW, THEREFORE, BE IT ORDERED** by the Tohono O'odham Legislative Council that it denies
5 the Accused Judge's motion to continue the September 17, 2013 suspension
6 hearing.

7 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 12TH day of**
8 **SEPTEMBER, 2013** at a meeting at which a quorum was present with a vote of **2,168.9 FOR; 777.6**
9 **AGAINST; -0- NOT VOTING; and [06] ABSENT,** pursuant to the powers vested in the Council by
10 Article VI, Section 1(a) and 1(f); Article VIII, Sections 3 and 4; and Article XIII, Section 1 of the
11 Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on
12 January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs
13 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

14
15
16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

17 
18 _____
19 Timothy Joaquin, Legislative Chairman
20 18 day of September, 2013
21
22
23
24
25

26 **ATTEST:**

27 
28 _____
29 Evonne Wilson, Legislative Secretary
30 18 day of September, 2013
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

ACTION: DENYING ACCUSED JUDGE'S MOTION TO CONTINUE SUSPENSION HEARING

MOVED: COUNCILWOMAN PAMELA ANGHILL

SECOND: COUNCILMAN ARTHUR WILSON

DATE: SEPTEMBER 12, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Kimberly Mull)	251.0	X			
	2. BARBARA HAVIER ()	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS ()	112.1	X			
	2. ADAM ANDREWS (Rachel Vilson-Stoner)	112.1		X		
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3		X		
HICKIWAN 196.9	1. LOUIS R. LOPEZ (Michelle Ortega)	98.45	X			X
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. LORRAINE EILER (Jolene Garcia)	9.8	X			X
	2. MICHAEL FLORES ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5		X		
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5		X		
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS(Absent) (Louis Johnson) (Present)	128.65	X			X
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6		X		X
	2. BILLMAN LOPEZ ()	159.6		X		
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			X
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,168.9	777.6	-0-	[06]