

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Finding Judge Larry K. Yazzie Responsible of Count 2 of the Amended Suspension Statement)**

LEGISLATIVE ORDER NO. 13-372

1 **WHEREAS,** the Legislative Council is exclusively vested with the power to appoint and
2 remove the Nation's judges (Constitution of the Tohono O'odham Nation, Article
3 VIII, Sections 3 and 4, and Article XIII, Sections 1 and 3); and

4 **WHEREAS,** the Tohono O'odham Judicial Court's jurisdiction to review Legislative Council
5 removal proceedings is "extremely limited," *Francisco v. Manuel*, 89-WM-4664 at
6 9 (T.O. Jud. Ct. Nov. 9, 1989); "There is, after all, no right to hold office." *Enos*
7 *Francisco, Jr. v. Legislative Council*, (Trial Ct., Mar. 7, 1989) 1 Tohono O'odham
8 Reports 76, 77; and

9 **WHEREAS,** in addition to possessing the power to appoint and remove, the Legislative
10 Council is vested with the power to suspend Nation's judges from office for
11 criminal conduct, gross neglect of duty, and other grounds, subject to a
12 reasonable cause determination by the Judiciary Committee and a final
13 determination by the Legislative Council (6 Tohono O'odham Code Chapter 4 -
14 Suspension of Judges); and

15 **WHEREAS,** the Legislative Council Judiciary Committee is vested with authority to
16 determine whether "there is reasonable cause to believe that the accused judge
17 has committed an offense for which suspension is available as charged in the
18 suspension statement" (6 Tohono O'odham Code Chapter 4, Section 4104); and

19 **WHEREAS,** on August 5, 2013 Chief Judge Violet Lui-Frank filed with the Judiciary
20 Committee chairperson an Amended Suspension Statement requesting the
21 suspension of Judge Larry K. Yazzie pursuant to 6 Tohono O'odham Code
22 Chapter 4, Section 4103; and

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

28 **WHEREAS,** after deliberation, the Judiciary Committee found reasonable cause that Judge
29 Yazzie committed conduct contrary to justice, honesty, modesty or good morals
30 and misconduct reflecting on the dignity and integrity of the Judicial Court as
31 charged in the Amended Suspension Statement; and

32 **WHEREAS,** on September 4, 2013 the Legislative Council Secretary served the parties with
33 the Judiciary Committee's reasonable cause resolutions, written notice of the
34 Legislative Council's September 17, 2013 suspension hearing, and the Amended

LEGISLATIVE ORDER NO. 13-372

(Finding Judge Larry K. Yazzie Responsible of Count 2 of the Amended Suspension Statement)

Page 2 of 2

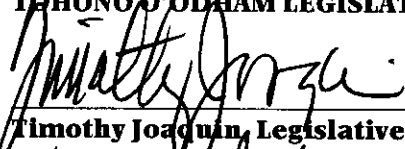
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Suspension Statement, and the Council's Judicial Suspension Hearing Procedures; and

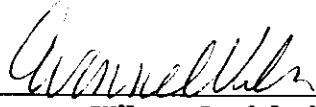
WHEREAS, Judge Yazzie was represented by an attorney, given the opportunity to file motions, be present at the hearing, testify, call and question witnesses, make opening and closing statements, make objections, present evidence, and otherwise answer the charges contained in the Amended Suspension Statement.

NOW, THEREFORE, BE IT ORDERED that the Tohono O'odham Legislative Council (1) finds Accused Judge Larry K. Yazzie responsible of committing misconduct reflecting on the dignity and integrity of the Judicial Court as charge in Count 2 of the Amended Suspension Statement, and (2) suspends Accused Judge Larry K. Yazzie from office for 60 days, during which he shall not perform any services or exercise any powers of a Judicial Court judge and he shall not be deemed to continue in office.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 17TH day of SEPTEMBER, 2013 at a meeting at which a quorum was present with a vote of 2,217.25 RESPONSIBLE; 729.25 NOT RESPONSIBLE; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(a) and 1(l); Article VIII, Sections 3 and 4; 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
20 day of September, 2013

ATTEST:


Evonne Wilson, Legislative Secretary
20 day of September 2013

ACTION: FINDING JUDGE LARRY K. YAZZIE RESPONSIBLE OF COUNT 2 OF THE AMENDED SUSPENSION STATEMENT

DATE: SEPTEMBER 17, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	RESPONSIBLE	NOT RESPONSIBLE	ABSENT
SIF OIDA 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		
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X		
SAN XAVIER 224.2	1. HILARION CAMPUS ()	112.1	X		X
	2. ADAM ANDREWS(Absent) (Rachel Vilson-Stoner) (Present)	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	X
	2. EDWARD MANUEL, SR. ()	105.3		X	
HICKIWAN 196.9	1. LOUIS R. LOPEZ (Michelle Ortega)	98.45		X	
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X		
HIA CED 19.6	1. LORRAINE EILER (Jolene Garcia)	9.8		X	
	2. MICHAEL FLORES ()	9.8		X	
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5		X	X
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5		X	
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X		
	2. LORETTA LEWIS (Louis Johnson)	128.65	X		
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X		
	2. BILLMAN LOPEZ ()	159.6		X	
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X		
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X		
TOTAL		2,946.5	2,217.25	729.25	[03]