

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Reducing Length of Suspension)

DEFEATED
LEGISLATIVE ORDER NO. 13-373

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 as 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 deliberations, 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, the Amended**

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; and

WHEREAS, the Legislative Council found Judge Yazzie responsible for an offense as alleged in the Amended Suspension Statement and suspended Judge Yazzie from Office for 60 days; and

WHEREAS, 6 Tohono O'odham Code Chapter 4, Section 4105(I) provides that the "Council may by a separate vote reduce the suspension to a shorter period of not less than ten days."

NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it reduces the length of Judge Larry K. Yazzie's suspension from 60 days to 10 days effective immediately.

The foregoing Order was defeated 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 742.85 FOR; 2,203.65 AGAINST; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(a) and 1(f); Article VIII, Section 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: REDUCING LENGTH OF SUSPENSION

MOVED: COUNCILMAN ADAM ANDREWS

SECOND: COUNCILMAN LOUIS LOPEZ

DATE: SEPTEMBER 17, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	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	
	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	X
	2. VERNON J. SMITH (Gloria Zazueta)	178.85		X	
TOTAL		2,946.5	742.85	2,203.65	[03]