

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

TRIBAL COURT

BELCOURT, NORTH DAKOTA

In re: Court Operations Under the Exigent) **ADMINISTRATIVE ORDER #9**
Circumstances Created by COVID-19)

WHEREAS, the President of the United States has declared a national emergency in response to COVID-19;

WHEREAS, the Governor of North Dakota has declared a state of emergency to coordinate North Dakota's strategy to protect North Dakotan's from COVID-19;

WHEREAS, the Centers of Disease Control and Prevention and other public health authorities have advised taking precautions to reduce the possibility of exposure to the virus and to slow the spread of disease;

NOW THEREFORE, in order to protect public health and in order to reduce the size of public gatherings and reduce unnecessary travel, **IT IS HEREBY ORDERED**, that;

1. Effective March 23, 2020, the Tribal Court will be closed to the public, except for scheduled hearings. Those that have scheduled hearing should contact Tribal Court to ensure there hearing will still be held.
2. The following persons, including but not limited to federal, tribal and state employees and contractors, shall not enter the Tribal Court:
 - a. Persons who have traveled to any foreign or domestic areas impacted by COVID-19.
 - b. Persons who reside or have had close contact with someone who has traveled to any foreign or domestic area impacted by COVID-19 within the previous 14 days.

- c. Persons who have been asked to self-quarantine by any doctor or other medical provider, hospital, or health agency if they are still within that time of self-quarantine;
- d. Persons who have been diagnosed with, or who have any contact with, anyone who has been diagnosed with COVID-19 unless and until they have completed a quarantine period;
- e. Persons with fever, cough, or shortness of breath, or are presently suffering from an elevated body temperature or chills.

Court Personnel and/or Court Security may question any courthouse visitor to determine whether they fall into any of these categories. Anyone attempting to enter in violation of these safety measures will be denied entry by a Court Official.

3. Effective immediately, all jury trials presently scheduled between **March 16, 2020 and November 30, 2020**, in Tribal Court are continued. The Court may issue other orders concerning future continuances as necessary and appropriate.
4. All trial-specific deadlines in the afore-referenced criminal cases are continued. All trial-specific deadlines in civil cases remain. Due to the fluid nature of the outbreak and the need for flexibility in responding thereto, counsel may request modification to pleading-related and discovery-related deadlines as needed. Individual judges may continue trial-specific deadlines in civil cases in the exercise of their discretion.
5. Individual judges presiding over criminal proceedings may take such actions consistent with this order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.
6. For criminal trials, the Court on its own motion finds that the time of the continuances implemented by this order will be excluded under the Speedy Trial Act, the Turtle Mountain Tribal Constitution Article XIV-Separation of Powers, *Judiciary* Section 3 Powers (a), the Tribal Code, Title 1 Criminal Procedures and Title 2 Judicial Civil Procedures and the Indian Civil Rights Act of 1968 as the Court specifically finds that

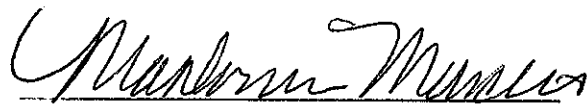
the ends of justice are served by ordering the continuances and outweigh the best interests of the public and of the criminal defendants under 18 U.S.C. § 3161 (h) (7)(A). Absent further order of the Court or any individual judges, the period of exclusion shall be from **March 16, 2020 to November 30, 2020**. The Court may extend the period of exclusion as circumstances may warrant.

7. All hearings with the exception of those listed in paragraph 8, are suspended through **November 30, 2020**. Judges may conduct court proceedings by telephone or video conferencing where practical and consistent with the law.
8. Criminal and Juvenile matters before the judges, such as initial appearances, arraignments, detention hearings, and the issuance of search warrants, will continue to take place in the ordinary course.
9. Pursuant to Section 15002(b)(1) of the CARES Act, H.R. 748, the Chief Judge authorizes the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available.
10. Pursuant to Section 15002(b)(2), the Chief Judge finds that criminal pleas and sentencing cannot be conducted in person in this Court without seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds, for specific reasons, that a plea or sentencing in that case cannot be further delayed without serious harm to the interest of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing or teleconferencing if video conferencing is not reasonably available, for the pleas or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).
11. The Chief Judge has determined that emergency conditions continue to exist, and that this authorization will remain in effect until November 30, 2020, unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, the Chief Judge will review this authorization and determine whether to extend it.
12. Tribal Court currently has windows open on the North end of the building for drop off and pick up of paperwork and the clerk's offices are

available by calling 701-477-6121. Also, electronic filings may still be made by email or by faxing to 701-477-8663. Other staff may be reached through the Receptionists Desk at 701- 477-6121. Please listen to our local KEYA radio station @88.5 FM for further developments.

The Court will vacate, amend or extend this order no later than November 30, 2020.

Dated this 29th day of October, 2020.

A handwritten signature in cursive script, reading "MaDonna Marcellais". The signature is written in black ink and is positioned above a horizontal line.

MaDonna Marcellais, Chief Judge
Turtle Mountain Tribal Court