

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

TRIBAL COURT

BELCOURT, NORTH DAKOTA

In re: Court Operations Under the Exigent) **ADMINISTRATIVE**
Circumstances Created by COVID-19) **ORDER #12**

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, reduce the size of public gathering and reduce unnecessary travel, **IT IS HEREBY ORDERED**, that;
IT IS HEREBY ORDERED, that;

1. Effective March 16, 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.
3. 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.
4. Effective immediately, all jury trials presently scheduled between **March 16, 2020 and January 31, 2021**, 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 January 31, 2021**. 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 **January 31, 2021**. 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).

Also, effective immediately, the Tribal Court staff will continue with the rotating shifts that have been assigned. The following is a list of employees and shifts they will cover during the executive orders effective period and/or until further notice from the Court.

TEAM 1 will work M,W,F

TEAM 2 will work T & Th

Mandy Davis-Juvenile Clerk
Debbie Peltier-Criminal Clerk
Jessica Azure-Civil Clerk
Katy Turcotte-Civil Clerk

Shodiah LaVallie-Juvenile Clerk
Jenna Azure -Civil Clerk
Michelle LaFloe-Criminal Clerk

Judges Marcellais and Medrud, Chief Clerk Jacqueline Brien, Bailiff, Riley DeCoteau and Receptionist, Myranda Jerome will be available at the court house all week.

1. The Hours of operation are 8:00 a.m. to 4:30 p.m., Monday thru Friday and each staff member will responsible to ensure there work station and offices are sanitized on a daily basis.
2. Each staff members will pitch in where ever necessary to ensure the court house is sanitized and that we can continue to provide the most efficient and effective services to our community in these unprecedented and scary times.
3. It is ALL of our responsibility to take the necessary measures to insure our own and co-workers safety and wellbeing are made a priority. If you test Positive or believe you may have been exposed to COVID-19 you must notify your supervisor and quarantine until you can be cleared to return to work.
4. That any staff members found to have been involved in congregating with other persons outside of your immediate family or known to partake in liquor establishments, house parties, garage parties or any other type of large gatherings are not to return to Tribal Court until they can be cleared by a doctor. Should any staff member not comply with this Administrative Order then you leave this Court no other alternative but to request your resignation and/or request termination. This Court takes this Covid-19 Pandemic very serious and will take all of the necessary precaution to ensure the health and wellbeing of all Tribal Court employees.
5. The Chief Judge has determined that emergency conditions continue to exist, and that this authorization will remain in effect until

January 31, 2021, 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.

6. Tribal Court can be reached 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 January 31, 2021.

Dated this 29th day of December, 2020.

A handwritten signature in black ink, reading "MaDonna Marcellais", written over a horizontal line.

MaDonna Marcellais, Chief Judge
Turtle Mountain Tribal Court