

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 #34**

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,

IT IS HEREBY ORDERED, that;

1. **Effective November 14, 2022**, the Tribal Court will be open to the public. 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 and maybe asked to provide the Court with vaccination verification:
 - 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. Any person granted admission to enter the courthouse shall abide by the Center for Disease Control (CDC) recommendations.
5. 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, for all events listed in Section 15002(b) of the legislation
 - a. Detention Hearings under Section 3142 of title 18, United States Code.
 - b. Initial Appearances under Rule 5 of the Federal Rules of Criminal Procedure.
 - c. Preliminary Hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
 - d. Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
 - e. Probation and Supervised Release Revocation Proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
 - f. Pretrial Release Revocation Proceedings under Section 3148 of Title 18 United States Code.
 - g. Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
 - h. Misdemeanor Pleas and Sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
 - i. Proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

6. 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.
7. 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, 2023**. The Court may extend the period of exclusion as circumstances may warrant.
8. All hearings with the exception of those listed in paragraph 5, are suspended through **January 31, 2023**. Judges may conduct Court proceedings by telephone or video conferencing where practical and consistent with the law.
9. 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.
10. The Chief Judge has determined that emergency conditions continue to exist, and that this authorization will remain in effect until **January 31, 2023** 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.
11. This order supercedes the Court's Administrative Order issued on September 30, 2022.
12. 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, 2023.

Dated this October 31, 2022



MaDonna Marcellais, Chief Judge
Turtle Mountain Tribal Court