



WINNEMUCCA INDIAN COLONY

Council:
Judy Rojo
Shannon Evans
Marlene Magiera
Eric Magiera
Misty Morning Dawn Rojo-Alvarez

RESOLUTION NUMBER: 2023-01-001

**RESOLUTION OF THE COLONY COUNCIL OF
THE WINNEMUCCA INDIAN COLONY
WINNEMUCCA, NEVADA**

Received
Western Nevada Agency

JAN 18 2023

Bureau of Indian Affairs
Carson City, NV 89701

(To Amend Title 4, Right to Trial by Jury)

WHEREAS; the Winnemucca Indian Colony is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat.984) as amended, and

WHEREAS; the Winnemucca Colony Council is the governing body of the Winnemucca Indian Colony as set forth in the Tribal Constitution and Bylaws, Article III, Section 1; and

WHEREAS; the Winnemucca Indian Colony Council has determined that the Law & Order Code of the Winnemucca Indian Colony needed to be amended to accept the practical difficulty of assembling a jury pool until further amendment;

WHEREAS; the Colony Council intends for all criminal defendants to have the right to due process;

WHEREAS, the Colony Council has considered the small number of persons available for a jury pool on the Colony at this time;

WHEREAS; the Colony has employed and appointed the most educated, experienced and fair Tribal Judges available for Tribal Court;

NOW, THEREFORE, BE IT RESOLVED; that the Winnemucca Indian Colony Council hereby amends Title 4, Section 4-01-090, Subsection 4. Right to a Jury Trial to read as follows:


Right to a Jury Trial. A defendant charged and tried for an offense which is defined as a Felony or Class A Misdemeanor under Title 5, Section 5-010-001, Winnemucca Indian Colony Law and Order Code, shall have a right to a trial by jury of six jurors, which juror pool may include persons both on Colony and off Colony, may be members or non-members of the Colony and must be eighteen years of age or older. A defendant may waive the right to a jury trial in open court or in a written statement to the Court. For all other crimes charged wherein the penalty for the offense is six (6) months or less, the defendant will be tried before the Tribal Judge only. If all charges in a single complaint, each of which carries a penalty of six (6) months or less, the defendant will be tried before the Tribal Judge only.

BE IT FURTHER RESOLVED; that the website shall be immediately changed to reflect this amendment and that this amendment shall be filed with the Bureau of Indian Affairs, Western Nevada Agency for its information only and the Title 4 shall be so amended and hard copies sent to the Tribal Judges and the Prosecutor forthwith.

C-E-R-T-I-F-I-C-A-T-I-O-N

It is hereby certified that the Winnemucca Indian Colony Council is the governing body of the Winnemucca Indian Colony and is composed of five members of whom 3, constituting a quorum were present at a Regularly Scheduled Meeting on the 14th day of January, 2023, and the foregoing resolution was adopted by an affirmative vote of 4 for, 0 against, and 0 abstentions.

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Judy Rojo, Chairwoman
Winnemucca Indian Colony

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