

Exhibit R

Exhibit S

FILED
GILA RIVER INDIAN
COMMUNITY
TRIBAL COURT

IN THE GILA RIVER INDIAN COMMUNITY COURT
CRIMINAL DIVISION

MAY 12 PM 2:44

GILA RIVER INDIAN COMMUNITY,
PLAINTIFF,

CASE NO. CR-07-0819

-VS-

MOTION to DISMISS

MICHAEL JACKSON,
DEFENDANT.

Comes now Renay Peters and submits the above-entitled Motion to dismiss on behalf the Defendant Michael Jackson.

On May 13, 2008 this matter is scheduled for trial. Prior to this date the office the prosecution has filed several continuances to receive evidence regarding their case against the Defendant. As of this date no evidence has been forward to the Defendant or Counsel. Based upon the lack of proper evidence available I pray the court dismiss case no. CR-07-0819 and release the defendant.

SUBMITTED THIS THE 12th DAY OF MAY 2008.


RENAY PETERS COUNSEL FOR DEFENDANT.

Exhibit T

FILED
GILA RIVER INDIAN
COMMUNITY
COURT

IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY
IN THE STATE OF ARIZONA

FEB 10 2012 PM 3:27

GILA RIVER INDIAN COMMUNITY,
Plaintiff,

Case No. CR-2007-0819

BY: *Marcia*
COURT CLERK

vs.

AMENDED
CRIMINAL COMPLAINT

MICHAEL JACKSON
An Indian
DOB: _____

NO CONTACT ORDER REQUESTED
ARREST WARRANT REQUESTED

Defendant.

ON THE INFORMATION AND BELIEF OF THE UNDERSIGNED PROSECUTOR FOR THE COMMUNITY, THE ABOVE-NAMED DEFENDANT IS CHARGED BY THIS COMPLAINT WITH THE FOLLOWING OFFENSES AGAINST THE CODE OF MISDEMEANORS OF THE GILA RIVER INDIAN COMMUNITY, TO WIT:

- COUNT 1: **DOMESTIC VIOLENCE**, in violation of section **2.1109(3)(A)**, the said defendant did, on or about **July 28, 2007**, at or near _____, District 2, within the Gila River Indian Reservation, knowingly committed a qualifying offense against his step daughter, and/or household member, **C J**.
- COUNT 2: **CHILD ABUSE**, in violation of section **2.1104**, the said defendant did, on or about **July 28, 2007**, at or near _____, within the Gila River Indian Reservation, intentionally or knowingly abuse **C J**, a minor, so as to endanger the child's life or injure her physical or mental health by touching **C J**'s genital area and/or inner thigh and/or anus with his penis and/or hand.
- COUNT 3: **MOLESTATION OF A CHILD**, in violation of section **2.820**, the said defendant did, on or about **July 28, 2007**, at or near _____, District 2, within the Gila River Indian Reservation, touch with his hand directly or through clothing the genital area and/or inner thighs of **C J**, a child under the age of fifteen, with the intent to humiliate or to gratify sexual desire.
- COUNT 4: **MOLESTATION OF A CHILD**, in violation of section **2.820**, the said defendant did, on or about **July 28, 2007**, at or near _____, District 2, within the Gila River Indian Reservation, touch with his penis directly or through clothing the genital area, inner thighs, and/or anus of **C J**, a child under the age of fifteen, with the intent to humiliate or to gratify sexual desire.

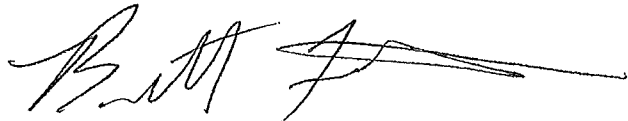
COUNT 5: SEXUAL ABUSE, in violation of §2.818(A), the said defendant did on or about July 28, 2007, at or near _____, District 2, within the Gila River Indian Reservation, intentionally or knowingly engage in sexual contact with C. J. _____, a **minor**, under the age of fifteen years of age without her consent and whom is not his spouse, by touching her genitals *and/or anus* with his penis.

COUNT 6: SEXUAL ABUSE, in violation of §2.818(A), the said defendant did on or about July 28, 2007, at or near _____, District 2, within the Gila River Indian Reservation, intentionally or knowingly engage in sexual contact with C. J. _____, a **minor**, under the age of fifteen years of age without her consent and whom is not his spouse, by touching her genitals with his hand.

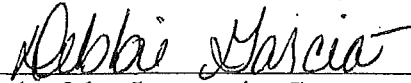
COUNT 7: SEXUAL CONDUCT WITH A MINOR, in violation of §2.819(A), the said defendant did on or about July 28, 2007, at or near _____, District 2, within the Gila River Indian Reservation, intentionally or knowingly engaged in sexual intercourse with C. J. _____, a **minor**, under the age of eighteen years of age and not his spouse.

5-9-08
Date

05-09-2008
Date



Prosecutor for the Community



Clerk of the Community Court


Michael Jackson, DOB: March 3, 1966

Physical Address:			Mailing Address:			Employer Address:		
			Sacaton, Arizona 85247					
Social Sec. No.:	Sex:	Race:	Height:	Weight:	Hair:	Eyes:	Identifying Information:	GRPD DR No.:
	M	AI	5'0"	175#	Blk	Brn		07-023002

Exhibit U

FILED
GILA RIVER INDIAN
COMMUNITY
TERRITORIAL COURT

IN THE GILA RIVER INDIAN COMMUNITY COURT
COUNTIES OF PINAL AND MARICOPA
STATE OF ARIZONA

BY 
COURT CLERK

GILA RIVER INDIAN COMMUNITY,

CASE NO. CR-2007-0819

Plaintiff,

MOTION FOR WITHDRAWAL OF COUNSEL
and
ORDER

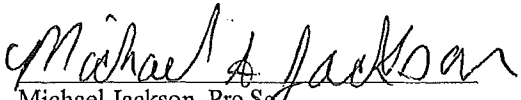
v.

MICHAEL JACKSON,

Defendant.

COMES NOW, MICHAEL JACKSON, Pro Se, hereby submits a motion for withdrawal of Counsel in the above entitled matter pursuant to Title 2, Chapter 13 § 2.1328. The bases for my motion is due to the ineffectiveness of Renay Peters who represented me at Trial on Tuesday, May 13, 2008. Mr. Peters failed to make contact with me throughout the time I was held in detention and failed to provide me adequate representation throughout my trial and for my best interest I have hired La Quinta Allison to replace Mr. Peter for the appeal process. Ms. Allison will be providing her notice of appearance after today's date.

RESPECTFULLY SUBMITTED this 19th day of May 2008.


Michael Jackson, Pro Se

ORDER

Based on the foregoing motion I will grant Michael Jackson's motion to release Renay Peters as counsel of record in the above caption matter.

DONE SUMMARILY, this ____ day of May 2008.

JUDGE OF THE COMMUNITY COURT

Exhibit V

FILED
GILA RIVER INDIAN
COMMUNITY
TRIAL COURT

IN THE GILA RIVER INDIAN COMMUNITY COURT
CRIMINAL DIVISION

MAY 20 2008 8:39

)	
)	
)	
GILA RIVER INDIAN COMMUNITY,	)	CASE NO. CR-07- 0819
PLAINTIFF,)	
)	
	)	MOTION to WITHDRAW
-VS-)	
)	
MICHAEL JACKSON,)	
DEFENDANT.)	

Comes now Renay Peters and submits the above-entitled-Motion to Withdraw on behalf of the request of the Defendant to withdraw since it is his desire and wish to no longer need my services.

SUBMITTED THIS THE 20TH DAY OF MAY 2008.



RENAY PETERS COUNSEL FOR THE DEFENDANT

Exhibit W

FILED
GILA RIVER INDIAN
COMMUNITY

IN THE GILA RIVER INDIAN COMMUNITY COURT

COUNTIES OF PINAL AND MARICOPA
STATE OF ARIZONA

MAY 20 PM 2:48

GILA RIVER INDIAN COMMUNITY,

CASE NO. CR-2007-0819

Plaintiff,

MOTION FOR A NEW TRIAL

v.

MICHAEL JACKSON,

Defendant.

COMES NOW, MICHAEL JACKSON, Pro Se, hereby submits a MOTION FOR A NEW TRIAL in the above caption matter pursuant to Title 2, Chapter 13 § 2.1325 NEW TRIAL (A) which states: "The Court, on application from the defendant, or on its own motion, may grant a new trial based on the following cause or causes: (4) When for any reason the defendant has not received a fair and impartial trial."

BASIS FOR THE MOTION FOR A NEW TRIAL IS ATTACHED HERETO:

I have attached a copy of a summary and statement to the Appeals Court which I am filing merely to preserve my right to an appeal, however I am willing to withdraw my appeal if I am granted a new trial based on the effect that my former Counsel, Renay Peters was ineffective at Trial and prior proceedings to Trial, Mr Peters, failed to adequately defend me in my case and that the DNA results the Community Prosecutor failed to enter into evidence after approximately two continuances stated this DNA evidence is crucial in this case. The discovery documents were provided to me less than 24 hours prior to trial which proves my innocence in this case.

I have hired La Quinta Allison to replace Renay Peters and Ms. Allison will represent me on my motion for a new trial hearing and she has informed me that she will be out of Arizona from May 31st through June 4, 2008 and I am asking for a hearing date prior to May 31st or after June 4th, 2008.

THEREFORE, based on the foregoing motion for a new trial, I respectfully request the Judge of the Community Court to grant me a new trial because there is reasonable grounds to present evidence that I am innocent in this case.

RESPECTFULLY SUBMITTED this 20th day of May 2008.

Michael Jackson
Michael Jackson, Pro Se

Exhibit X

1 **IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY**

2 **STATE OF ARIZONA**

3	GILA RIVER INDIAN COMMUNITY,)	
4)	
	Plaintiff,	)	Case No. CR-2007-00819
5	vs.)	
		)	ORDER
6	MICHAEL JACKSON,	)	Motion for New Trial
7)	
	Defendant.)	
8)	

9 This matter having come to the attention of this court on a Motion for New Trial, filed by
10 the Defendant, Pro Se; and the court having reviewed and considered the motion. The
11 conviction was based on the testimony given by the victim and witness at the time of the bench
12 trial. The Defendant was given a fair and impartial trial.

13 **IT IS HEREBY ORDERED** that the Motion for New Trial is *denied*.

14 **DATED** this 4th day of June, 2008.

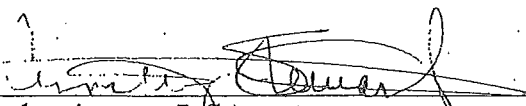
15
16 
17 _____
18 Judge Annette J. Stewart,
19 Gila River Indian Community

Exhibit Y

FILED
GILA RIVER INDIAN
COMMUNITY COURT

IN THE GILA RIVER INDIAN COMMUNITY COURT OF APPEALS
COUNTIES OF PINAL AND MARICOPA
STATE OF ARIZONA

GILA RIVER INDIAN COMMUNITY,

CASE NO. CR-2007-0819

Plaintiff,

APPEAL NO. _____

NOTICE TO APPEAL

v.

MICHAEL JACKSON,

Defendant.

COMES NOW, MICHAEL JACKSON, Pro Se, hereby submits a NOTICE TO APPEAL in the above caption matter pursuant to Title 2, Chapter 13 § 2.1326 APPEALS (A) "The Community, or any part to a prosecution by information or complaint, may appeal as prescribed in this Code. A defendant shall have the right to appeal his conviction or sentence in a criminal action. A petition for appeal must be filed within five days after a decision, order, decree, or judgment of a court, excluding Saturdays, Sundays, and holidays observed by the Community Court." B. (2) An order granting a new trial, and/or B. (4) A ruling on a question of law adverse to the Community when the defendant was convicted and appeals from the judgment.

I will be submitting my memorandum of points of authority pursuant to Title 2, Chapter 13 § 2.1326 APPEAL D. which states "Within 30 days from the day a Notice of Appeal is filed with the Community Court, the appellant shall file a Memorandum of Points and Authorities with the Community Court which shall identify the issues on appeal. A copy of this Memorandum of Points and Authorities shall be sent to Counsel or record at the time it is filed with the Community Court."

THEREFORE, based on the foregoing notice of appeal, I respectfully request the Appeals Court to grant my appeal to dismiss this case or set new hearing.

RESPECTFULLY SUBMITTED this 20th day of May 2008.

Michael Jackson, Pro Se

FILED
GILA RIVER INDIAN
COMMUNITY COURT

IN THE GILA RIVER INDIAN COMMUNITY COURT
COUNTIES OF PINAL AND MARICOPA
STATE OF ARIZONA

GILA RIVER INDIAN COMMUNITY,

CASE NO. CR-2007-0819

Plaintiff,

APPEAL NO. _____

v.

DEFENDANT'S SUMMARY and STATEMENT
OF THE TRIAL

MICHAEL JACKSON,

Defendant.

COMES NOW, MICHAEL JACKSON, Pro Se, hereby submits his summary of Trial on Tuesday, May 13, 2008. Whereby Mr. Jackson believes his Advocating Counsel Renay Peters failed to present a proper defense and Mr. Jackson states as follows:

SUMMARY and STATEMENT

On Tuesday, May 13, 2008 Judge Annette Stewart presided over my Trial and the following summary statement I want all the information I'm stating to be put into court record before any sentence is imposed on me, the sentencing date is set for June 5, 2008 at 10:00 a.m.. I am throwing myself at the mercy of the court, on my behalf. Your honors I feel I wasn't properly represented in a vigorous manner by my Legal Advocate Renay Peters Further more I and my mother, Connie Jackson, have directed Mr. Peters at the times we did make contact to submit a motion to dismiss due to my length time being held in detention without a Trial and the Prosecutor not having any evidence. Apparently Mr. Peters fail to do as we directed him to do. Your Honors the reason I know that Mr. Peters has not been acting diligently on my behalf was on the day the Prosecutor for the Community Brent Fuller came to see me in the adult detention facility on Friday, May 2, 2008 approximately between 10:00 a.m. and 11:00 a.m. Mr. Fuller asked me why I haven't filed any motions for dismissal on my behalf. I told Mr. Fuller that my Advocate Mr. Peters told me he has been submitting motions for dismissal. Mr. Fuller replied there is not notice of appearance or motions to dismissed filed for my case. Mr. Fuller than replied I can't talk to you no more, have your counsel contact me today. I replied okay. Your honors to my knowledge and I believe Mr. Fuller knew full well that Mr. Peters was my advocate because Mr. Fuller was the Prosecutor who asked Judge Anthony Hill for a continuance in this case in which Judge Hill granted Mr. Fuller a continuance. At that hearing Mr. Fuller handed over to my Advocate Mr. Peter paperwork he had up until that date in this case. Mr. Fuller's motion to continue was contingent on the fact that they needed more time to get the evidence that would build a solid case against me. Your Honors to my

1 understanding and knowledge of the law the Prosecutors are not to get in contact with a defendant in a case he is prosecuting
2 without the Defendant's advocate being present, as I stated earlier your Honors in my statement on March 18, 2008 at 3:45
3 p.m. I had court and was not taken to court. I had to find out why? The Prosecutor Brett Fuller still didn't receive the
4 documents he was to build his foundation to support the Community's case against me. Your Honors my advocate Mr.
5 Peters did nothing on my behalf once more. Once again the Prosecutor for the Community was granted another continuance.
6 Your Honors, "I" and I state "I" had to finally find out when my next court date is scheduled. My court hearing was
7 rescheduled to May 13, 2008 at 10:00 a.m. Your Honors from May 5, 2008 through May 12, 2008 my mother, Connie
8 Jackson witnessed my Advocate Mr. Peters call the Prosecutor's office numerous times and leaving messages for the
9 Prosecutor for the Community Mr. Fuller. Throughout this six-day period of time Mr. Peters left fax numbers and telephone
10 numbers on where Mr. Peters can be reached, however, I was told Mr. Fuller did not return Mr. Peters calls or made any
11 contact with Mr. Peters. In my opinion Mr. Peters should have gone the extra mile and gone over to the Prosecutor's office
12 and waited for Mr. Fuller or gone to the Court House to talk to Mr. Fuller. For God's sake the livelihood of his client is on
13 the line. What moral or ethical guidelines does the court hold on court advocates such as Mr. Peters to justify his conduct in
14 defending my case and how many other clients has Mr. Peters done this to in the past. Your Honors approximately around
15 5:00 p.m. on Monday - May 12, 2008, Richard Villaneuva who handles the court transportation and court paperwork for the
16 detention hand-delivered to me the Plea Agreement along with Discovery documents that the Prosecutor's office has been
17 waiting for to strengthen and have a solid foundation to convict me. Your Honors, I want to state for the record before this
18 case began I waived my right to talk to the detective and to be interrogated because I had nothing to hide. One Detective
19 gave me a one page paper to sign and I signed it and than the questions began. Both Detectives taking turns asking me
20 questions such as "where you threatened in any way to sign this paper" and I replied no. "Do you know why you were
21 arrested", I said no. "You are being charged with sexual crimes against you" and I replied What! "Would you sign another
22 paper to give us permission to take two swabs for DNA testing." I replied yes. Because these are serious charges against me
23 and I want to clear this up because I am not guilty of any of these charges, so I signed the paper and it was done at the Police
24 Department and they have video and audio tapes of the interrogation. Also, they wrote a statement that is in the discovery
25 documents. The discovery documents I read bewildered me of what I allegedly committed on the night of the incident. The
victim was taken to the hospital and tests were done on the victim and questions were asked. One of the tests done on the
victim was two anal swab swipes were done and also on the blankets for DNA testing in one of the discovery documents for
the two swab swipes on the blanket does not match DNA of Michael Jackson. The DNA is an unknown male, your Honors,
right there alone the DNA proves without a shadow of doubt that I am innocent. Because your Honors, DNA doesn't lie.
Your Honors, the statements taken from the Police Department and the Hospital contradict each other taken the night of the

1 alleged incident. Your Honors, on the 13th of May 2008, as I walked into the Court room and sat by my Advocate Mr. Peters
2 I handed him the discovery documents and he read them and said they have no hard evidence just the testimony of the
3 witnesses. I figured he knew what he was doing, so I sat there and listened to the testimony of the witnesses and they added
4 to their testimony and their first statement in the discovery documents were different from their testimony in court. As I sat
5 there and listened to the Police Officer's testimony when he was asked questions by the Prosecutor the Officer kept stating I
6 don't remember I don't have my report and he said this twice and the officer didn't testify on something he didn't know
7 because he didn't have his report to reflect on and he didn't want to incriminate himself or give false testimony at trial. Your
8 Honors as I sat there and listened to the closing arguments and the Judge Stewart went into deliberation the judge's chambers
9 I asked my Advocate what do you think Mr. Peters? Mr. Peters replied it looks good they have no hard evidence. I said
10 okay. When Judge Stewart returned to give the verdict I realized that I was never asked if I had a defense on my behalf
11 before the final verdict. Judge Stewart found me guilty and I was shocked and I asked Mr. Peters now what. Mr. Peters said
12 let me look at the discovery documents and I'll get back to you. I said okay. I called Mr. Peters on Thursday – May 15, 2008
13 at 8:00 a.m. and asked what are you going to do now? Mr. Peters replied he would type out a document to file for an appeal
14 and that he would have it done on the 16th of May 2008 and he would turn it in to the Court House before the close of that
15 day. I said okay. I trusted Mr. Peters once more to file a motion on my behalf. Your Honors, I called my mother, Connie
16 Jackson, that evening to find out if Mr. Peters had filed the paperwork. I was angry for his lack of duty to represent me
17 effectively in my case. Your Honors, my Advocate should have asked for a continuance because I just received the
18 Discovery Documents on the 12th of May which I turned over to Mr. Peters on the 13th of May at Trial. I spoke with my
19 family and they concurred to my desire to fire and release Mr. Peters for his ineffectiveness assistance to defend me in a
20 vigorous manner. As of May 17, 2008, Mr. Peters is not longer my legal Advocate. As of May 17th, 2008, the family has
21 attained La Quinta Allison as legal counsel to finish out the rest of my proceedings in my case. Your Honors the reason I am
22 making this statement on my behalf is that I feel and know that injustice has been imposed on me wrongfully. Your Honors,
23 my life is precious to me and my life is not a game or a joke to be played with. This is my reputation, my livelihood, we're
24 dealing with. I will not stand by and take the blame for someone else's crime. Your Honors, I did everything willingly that
25 was asked of me to prove my self innocent in this matter. I just want justice according to the law. This statement that I am
making will be attached to my appeal and sent to the Appeals Court on my behalf, which my new legal Counsel will be
submitting on May 20th, 2008 to the Appeals Court. I thank you for honorably reading my statement in this matter where I
believe justice has not been served when the Court allows Mr. Peters as an Advocate to practice within the justice system
who is inadequate to serve his client.

Exhibit Z

**IN THE COURT OF APPEALS OF THE GILA RIVER INDIAN COMMUNITY
IN THE STATE OF ARIZONA**

GILA RIVER INDIAN COMMUNITY,	)	Appeal No. AC-2008-015
)	
Appellee,	)	Trial Court Case No.
	)	CR-2007-0819
vs.)	
)	
MICHAEL JACKSON,	)	MEMORANDUM DECISION
)	
Appellant.)	
)	

BACKGROUND

Defendant was charged with the offenses of Count 1, Domestic Violence; Count 2, Child Abuse; Count 3, Molestation of a Child; Count 4, Molestation of a Child; Count 5, Sexual Abuse; Count 6; Sexual Abuse and Count 7, Sexual Conduct with a Minor.

On May 13, 2008 at a Bench Trial, the Trial Court found the Defendant guilty on Counts one through six and not guilty on Count seven.

Appellant claims ineffective assistance of counsel as the basis for his appeal.


DISCUSSION AND HOLDING

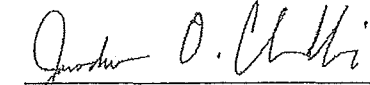
While the Code does not mandate the Tribe to provide counsel for a defendant, it is silent on the requirement for lay counselors who practice before the Community Courts. Attorneys are required to be licensed to practice in the State of Arizona.

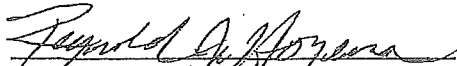
Lay counselors are permitted to practice in tribal courts, however, individuals who choose to employ them for representation must assume the risk of deficiencies in the performance. Once a defendant proceeds with lay counsel it implies a waiver of the right to representation by an attorney. In the absence of a bar exam for lay counselors, they cannot be expected to counter every conceivable issue at trial or meet the standards of State v. Santana.

IT IS HEREBY ORDERED that the appeal is denied and remanded for sentencing.

Dated this 27th day of May, 2010.


Honorable Roy A. Mendoza


Honorable Jonodev O. Chaudhuri


Honorable Reynold J. Hoyema

CERTIFICATE OF SERVICE

Copies provided to:

La Quinta Allison
P.O. Box 1582
Sacaton, Arizona 85147

GRIC Law Office, Prosecution Div.
P.O. Box 97
Sacaton, Arizona 85147

Connie Jackson

Michael Jackson, Appellant

In open Court

By: *Cornelia Archie*
Clerk of the Court of Appeals

IN THE COURT OF APPEALS OF THE GILA RIVER INDIAN COMMUNITY
IN THE STATE OF ARIZONA

To: Irene Patino, Assistant Court Administrator
Akimel O'otham Loditha Kud Ki

From: Court of Appeals

Date: May 28, 2010

RE: GRIC, Appellee vs. Michael Jackson, Appellant

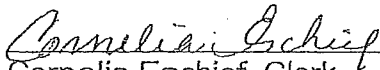
Appeal No: CR-2008-015
Trial Court No: CR-2007-0819

The following documents are being returned to the Lower Court:

- ▶ Mandate
- ▶ Opinion
- ▶ Original Case File


The appeal process has been completed and the case is closed in the Appeals Court.

Respectfully submitted,



Cornelia Eschief, Clerk

Acknowledged receipt of above:



Irene Patino,
Assistant Court Administrator

IN THE COURT OF APPEALS OF THE GILA RIVER INDIAN COMMUNITY
IN THE STATE OF ARIZONA

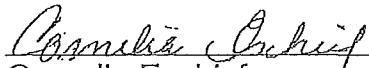
GILA RIVER INDIAN COMMUNITY,	)	Appeal No: AC-2008-015
)	
Appellee,	)	Trial Court Case No: CR-2007-0819
)	
vs.)	
)	
MICHAEL JACKSON,)	
	)	MANDATE
Appellant.)	
_____)	

On August 20, 2008 the Court of Appeals convened to hear the above-entitled matter and the Court took the matter under consideration.

On May 28, 2010, the Court Ordered that this matter is remanded for sentencing.

The attached order is to be posted for a period of thirty (30) days.

Dated: May 28, 2010



 Cornelia Eschief
 Clerk of the Court of Appeals

Exhibit AA

1 IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY

2 STATE OF ARIZONA


3	GILA RIVER INDIAN COMMUNITY,)	
4)	
	Plaintiff,	)	Case No. CR-2007-00819
5	vs.)	
6	MICHAEL JACKSON,	)	ORDER
	Defendant.	)	Stay of Execution of
7		)	Sentencing
8)	

9 This matter having come to the attention of this court on a Motion for Stay of the
10 Execution of Sentencing filed by the Defendant Pro Se. Defendant has filed motion for New
11 Trial and a Notice of Appeal.

12 **IT IS HEREBY ORDERED** that the Motion for Stay of the Execution of Sentencing
13 is *Granted*.

14 DATED this 4th day of June, 2008.

15

16 

17 _____
18 Judge Annette J. Stewart,
19 Gila River Indian Community

20

21

22

23

24

25

Exhibit BB

**IN THE COURT OF THE
GILA RIVER INDIAN COMMUNITY
IN THE STATE OF ARIZONA**

FILED
GILA RIVER INDIAN
COMMUNITY
TRIBAL COURT

<p>GILA RIVER INDIAN COMMUNITY, Plaintiff, vs. <u>Michael Jackson</u> Defendant,</p>	<p align="center">APPEARANCE BOND</p> <p align="right">DEC 21 AM 8:00</p> <p>CASE NO. <u>OR-2007-00819</u></p> <p align="right">COURT CLERK</p>
---	---

YOU, the named defendant, are hereby released on \$18,000 bond. You are further ordered to appear before the Gila River Indian Community Court for:

PENDING ARRAIGNMENT () PRE-TRIAL; () TRIAL; and you are to appear at the:
() SACATON COURT, Sacaton Court; P.O. Box 368, Sacaton, AZ 85247, Phone (520) 562-9860

() WESTEND JUDICIAL CENTER, Rt. 2, Box 808, Laveen, AZ 85339, Phone (520) 562-9862

on Thursday, January 20, 2011; at 2:00 PM

YOU ARE COMMANDED to refrain yourself from any use of intoxicating liquor in any form or manner whatsoever; nor violate any law or ordinances of the Gila River Indian Community, State of Arizona, or Federal or otherwise willfully engage in any misconduct during the term of this bond.

IF YOU FAIL TO APPEAR, or if it is determined by this court that you have violated the provisions of this bond; you will be subject to further prosecution and a warrant for your arrest will be issued by this Court. Further, any cash bonds posted; or O.R. bonds in effect will be forfeited. This bond will remain in effect until final disposition of this matter.

CHARGES: Domestic Violence Great Child Abuse (7544) Neglect of a Child
Sexual Abuse

COMMENTS: Defendant is to Report immediately to Probation Dept. for Initial in-take & there after once a week pending final disposition of these matter

* Restraining order in effect pending final disposition

DATE: December 20, 2010
Christy J. [Signature]
JUDGE OF THE COMMUNITY COURT

<p><input checked="" type="checkbox"/> CASH BOND - POSTED Receipt No: <u>02711</u> Person Paying Bond: <u>Alyson Anderson</u> <u>PO Box 1417</u> <u>Sacaton AZ 85417</u></p>	<p>RELEASED BY: <u>M. Clemens #847</u> OFFICER/JAILER</p>	<p>RECEIVED: Defendant Signature <u>Michael Jackson</u> Address: <u>Arrowood Rd</u> <u>LOT 3 District 3</u></p>
--	---	---

YELLOW - Defendant

PINK - Dept. DRS

Exhibit CC

1 IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY

2 STATE OF ARIZONA

3	GILA RIVER INDIAN COMMUNITY,)	
)	
4	<i>Plaintiff,</i>	)	Case No. CR-2007-00819
)	
5	vs.	)	ORDER
		)	CLARIFICATION
6	MICHAEL JACKSON,	)	REGARDING BOND RELEASE
		)	AND THE SEX OFFENDER
7	<i>Defendant.</i>	)	REGISTRATION ORDINANCE
)	

8

9 This matter having come to the attention of the court on a *Motion for Clarification*
10 *Regarding Bond Release and the Sex Offender Registration Ordinance* filed by the Defendant
11 through his counsel, Kristie Reppucci, Defense Services Office on December 21, 2010. The
12 Community, represented by Edward Paine, filed a response on January 3, 2011.

13 Defendant Michael Jackson is charged with the following:

- | | | |
|----|----------------------------------|---------------------------------------|
| 14 | count 1 – Domestic Violence | count 5 – Sexual Abuse |
| 15 | count 2 – Child Abuse | count 6 – Sexual Abuse |
| 16 | count 3 – Molestation of a child | count 7 – Sexual Conduct with a Minor |
| 17 | count 4 – Molestation of a child | |

18 On May 14, 2008 a bench trial was heard on the above mentioned charges; the defendant
19 was found guilty of counts 1 through 6, not guilty on count 7. An appeal was filed and also a
20 stay of sentence was requested and granted which has delayed the defendant from being
21 sentenced plus the fact that the defendant has had several changes in defense counsels (5) thus
22 also hindering the process.

23 On November 18, 2010 the defendant filed a Motion for Presentence Release from
24 Custody; Community filed a Response on November 19, 2010. Oral arguments on the motion
25 were heard on December 20, 2010 and the court on the same date ordered a Presentence Bond of
Eighteen Thousand dollars and no cents (\$18,000.00). The Bond was paid on December 20,
2010 and the defendant was released pending final disposition of this case. Along with the

1 standard condition of an appearance bond other conditions of the Presentence bond included a
2 restraining order to remain in effect regarding the victim in this matter; further, the defendant
3 was to immediately report to the Probation Department for an initial in-take and thereafter meet
4 with a probation officer once a week pending the final disposition of this matter.

5 One of the issues the court did not address was if the defendant is to register with the Gila
6 River Police Department as a sex offender pursuant to the Gila River Indian Community
7 (hereafter know as "GRIC") Sex Offender Registration and Notification Ordinance GR-02-07
8 (adopted July 18, 2007).

9 The GRIC Sex Offender Registration and Notification Ordinance was legislatively
10 enacted for the people of the Gila River Indian Community for the safety and protection of this
11 Community. The GRIC Sex Offender Registration and Notification Ordinance states: "Any
12 community member, Indian, or non-Indian residing or entering the Gila River Indian Community
13 **who has ever been convicted** ... must register as a sex offender with the Gila River Police
14 Department." (*emphasis added*) GRIC § 8.802(A).

15 The ordinance further defines *convict(ed)* as "a person who has been found guilty, pleads
16 guilty, or enters a plea of no contest to a criminal offense." GRIC § 8.501(F)(3). On May 13,
17 2008 Michael Jackson came before the court on a bench trial on the above-mentioned charges
18 and was found guilty, therefore, convicted of counts one through six (not guilty on count 7).
19 Under these circumstances the court determines that under the GRIC Ordinance GR-02-07 the
20 defendant is required to register under the mandatory registration sub-section.
21

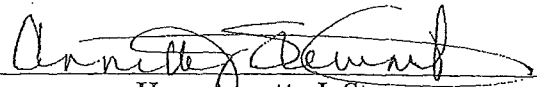
22 When the defendant should register is the other issue. The Sex Offender Registration
23 Ordinance GR-02-07 outlines particular guidelines as to when a person is to register, but because
24 the ordinance does not address every type of situation that may come up, the court's
25

1 responsibility is to protect the people of this Community and consequently discretionary
2 deviation of the registration process here is necessary and immediate.

3 **THEREFORE, IT IS HEREBY ORDERED** that Michael Jackson is to register as a
4 Sex Offender as prescribed in the Sex Offender Registration Ordinance GR-02-07.

5 **FURTHER** registration will be within 24 hours of service of this order.

6 **Done summarily** this 11th day of February, 2010.

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8 Hon. Annette J. Stewart,
9 Judge of the Gila River Indian Community

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Exhibit DD

IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY
STATE OF ARIZONA

GILA RIVER INDIAN COMMUNITY
Plaintiff,

vs.

Michael Albert Jackson,
Defendant.

) Case No. CR-2007-00819
)
) **MINUTE ENTRY/ORDER**
)
) Defendant: XX Present ___ Not Present ___ In Custody
) Defense Counsel: XX Present ___ Not Present: Kristie Reppucci
) Prosecutor: XX Present ___ Not Present: Edward Paine

OFFENSES: 2.1109(3)(A) - Domestic Violence, 2.1104 (A) - Child Abuse, 2.820 - Molestation of a Child, 2.820 - Molestation of a Child, 2.818 - Sexual Abuse, 2.818 - Sexual Abuse.

 VERDICT FROM TRIAL: Bench Trial Jury Trial Revocation Hearing
XX The Defendant is found GUILTY of - 2.1109(3)(A) - Domestic Violence, 2.1104 (A) - Child Abuse, 2.820 - Molestation of a Child, 2.820 - Molestation of a Child, 2.818 - Sexual Abuse, 2.818 - Sexual Abuse.

 The Defendant is found NOT GUILTY of:
 CHANGE OF PLEA: The Defendant pleads: Guilty Not Guilty No Contest Admit Deny
to:

 DISMISSALS: By motion of: Community Defense
The following charges are dismissed:
 With Prejudice Without Prejudice

DISPOSITION/SENTENCE/PENALTIES: IT IS FURTHER ORDERED that the defendant complete the following:

 Fine of \$, due: , Community Service hours completed by: .
 Restitution of \$, due: , Restitution Hearing set for: .

XX Detention: Defendant is sentenced to Department of Rehabilitation and Supervision for a period of:
3 years (1095 days) - time served.

 CREDIT from: to: , Suspended for Probation

 Probation: Supervised Unsupervised Diversion for a period of: .
You shall report to the Probation Department immediately following the hearing.
Contact for assessment, recommended treatment & counseling immediately and show proof of completion:
 Alcohol/Drug Abuse Program Domestic Violence Counseling
 Tribal Social Services/Parenting Classes Behavioral Health Services- Anger Management
 Other:

Additional terms and conditions including probation fee are listed on the Order of Probation.

NOTE: Failure to comply with the Court's order or complete sentence/treatment may result in further penalties.

 Bond in the amount of \$ is hereby Exonerated & Returned Converted Forfeited.

Additional: Restraining Order shall remain in effect for C. J. for six months. Defendant shall register as a sex offender. Bond shall be exonerated to the posting party.

Date: May 26, 2011


Judge of the Community Court

Exhibit EE

GILA RIVER INDIAN COMMUNITY

ORDINANCE GR-02-90

AN ORDINANCE APPROVING, ADOPTING AND ENACTING A CRIMINAL CODE.

WHEREAS, The Gila River Indian Community Council enacted into Ordinance GR-41-75 a Law and Order Code including a Criminal Code and subsequently revised the Criminal Code by enacting GR-02-86 on April 16, 1986; and

WHEREAS, In the years since its adoption and revision some sections of the Criminal Code have proven to be inadequate to meet the increasing problems of criminal activity; and

WHEREAS, 25 USC §1302, (7), of the Indian Civil Rights Act as amended October 27, 1986, P.L. 99-570, Title IV, Subtitle C, Part V, §4217, 100 Stat. 3207-146, was enacted by the United States Congress allowing Indian tribes to increase terms of imprisonment and fines;

WHEREAS, The purposes of the Community in adopting a criminal code are:

1. To proscribe conduct that unjustifiably and inexcusably causes or threatens substantial harm to individual or public interests;
2. To give fair warning of the nature of the conduct proscribed and of the sentences authorized upon conviction;
3. To differentiate on reasonable grounds between serious and minor offenses and to prescribe proportionate penalties for each;
4. To define the act or omission which constitutes each offense; and

WHEREAS, Federal law enforcement agencies often decline prosecution of cases within their jurisdiction, it is necessary that the Community assert its concurrent jurisdiction over all crimes to the full extent on the Community's authority; and

NOW THEREFORE BE IT RESOLVED that the Ordinance GR-02-86 and any amendments thereto are hereby rescinded and further, that any Ordinance, Article, Code, Resolution or Rule in conflict with this Ordinance in whole or in part, also is rescinded to the extent that such conflict exists.

RECEIVED

MAY 23 1990

FIMA AGENCY
SACATON

GILA RIVER INDIAN COMMUNITY
ORDINANCE GR-02-90
PAGE 2

BE IT FURTHER RESOLVED, that the revised and attached Criminal Code is hereby approved, adopted and enacted into ordinance.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1(b)(8) & Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community ratified by the Tribe, January 22, 1960, and approved by the Secretary of the Interior on March 17, 1960, the foregoing resolution was adopted this 16th day of May, 1990, at a Regular Council Meeting held in District # 1, Blackwater, Arizona, at which a quorum of 15 members were present by a vote of 13 FOR: 2 OPPOSE: 0 ABSTAIN: 2 ABSENT: 0 VACANCY.

GILA RIVER INDIAN COMMUNITY


Governor

ATTEST:


Tribal Secretary

2.1311 PRETRIAL CONFERENCE

- A. Notice of Defenses: At the pretrial conference the defendant shall provide the Community prosecutor with a written notice specifying all defenses as to which he will introduce evidence at trial, including, but not limited to, alibi, insanity, self-defense, entrapment, importance, marriage, insufficiency of a prior conviction, mistaken identity and good character. The notice shall specify for each defense the persons, including the defendant himself, whom he will call as witnesses at trial in support thereof. It may be signed by the defendant or his counsel, and shall be filed with the Court.
- B. Witness Lists: At the pretrial conference both the Community prosecutor and the defendant or his counsel shall provide the names and addresses of all persons whom they will call as witnesses at trial together with their relevant written or recorded statements. In addition, both parties shall provide the names and addresses of experts who they will call at trial, together with the results of physical examinations and of scientific tests, experiments or comparisons, including all written reports and statements made by them in connection with the particular case.

2.1312 DISCOVERY AND INSPECTION

- A. The prosecution shall permit the defendant to inspect and to copy or photograph any books, papers, documents, or other objects in the possession of the prosecution, obtained from the defendant or elsewhere, if the items sought may be material to the defense and the request is reasonable. The defendant may make such motions to the Court as are necessary to enforce the provisions of this section.
- B. The defendant shall permit the Community prosecutor to inspect and to copy or photograph any books, papers, documents, or other objects in the possession of the defendant or his counsel which he will use at trial. The prosecution may make such motions to the Court as are necessary to enforce the provisions of this section.
- C. Discovery under this section and under section 2.1311, the following provisions shall apply:
1. The term "statement" shall mean:
 - a. A writing signed or otherwise adopted or approved by a person;
 - b. A mechanical, electrical or other recording of a person's oral communications or a transcript thereof; and
 - c. A writing containing a verbatim record or a summary of a person's oral communications.

2. Materials not subject to disclosure:

- a. Work product. Disclosure shall not be required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions, theories or conclusions of the prosecutor, members of his legal or investigative staff or law enforcement officers, or of defense counsel or his legal or investigative staff.
- b. Informants. Disclosure of the existence of an informant or of the identity of an informant who will not be called to testify shall not be required where disclosure would result in substantial risk to the informant or to his operational effectiveness, provided the failure to disclose will not infringe the constitutional rights of the accused.
- c. Failure to call a witness a raise a defense. The fact that a witness name is on a list furnished under this rule, or that a matter contained in the notice of defenses is not raised, shall not be commented upon at the trial, unless the court on motion of a party, allows such comment after finding that the inclusion of the witness name or defense constituted an abuse of the applicable disclosure rule.
- d. If at any time after a disclosure has been made any party discovers additional information or material which would be subject to disclosure had it then been known such party shall promptly notify all other parties of the existence of such additional material, and make an appropriate disclosure.
- e. The Court upon the motion of any party showing good cause may at any time order that disclosure of the identity of any witness or any other disclosures required by this section and section 2.1312 be denied, deferred or limited if the Court finds:
 - (1) That the disclosure would result in a risk or harm outweighing any usefulness of the disclosure to any party; and
 - (2) That the risk cannot be eliminated by a less substantial restriction of discovery rights.