



boundary of the Uintah Valley Reservation. Id. at ¶ 3 and Exhibit B, citation issued to Ms. Jenkins.

3. The Utah Highway Patrol impounded Ms. Jenkins' vehicle. The Tribe asks the Court to take judicial notice of both the citation issued to Ms. Jenkins and the Vehicle Impound Report completed by the State Highway Patrol for Ms. Jenkins' vehicle. See Exhibit C, Vehicle Impound Report for Lesa Jenkins' vehicle.<sup>1</sup>

4. The location of Ms. Jenkins' alleged offenses is within the national forest lands of the Uintah Valley Indian Reservation. See Exhibit D, BIA Land Status Verification for MP 23, State Road 35. The Tribe asks the Court to take judicial notice of the BIA's Land Status Verification, which is an official report of an agency of the federal government.

5. The location of the alleged offenses is within the area designated as "Indian Country" under the 1997 Uintah Valley Indian Reservation Map, to which the State of Utah stipulated in 1998 in *Ute Indian Tribe v. State of Utah*, U. S. District Court for the District of Utah, case no. 75-cv-408, Dkt. 99. See Exhibit E, enlargement of the 1997 Jurisdiction Map with an arrow showing the location of Ms. Jenkins' alleged offenses; see also Exhibit F, Third Declaration of Attorney Frances C. Bassett.

6. On October 29, 2013, the Ute Tribe's general legal counsel, Fredericks Peebles & Morgan LLP, Attorney Frances Bassett, sent a letter to the Utah Attorney

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<sup>1</sup> When a party asks a court to take judicial notice of adjudicative facts and supplies the necessary information, Federal Rule of Evidence 201 "requires the court to comply with the request." *Zimomra v. Alamo Rent-A-Car, Inc.*, 111 F.3d 1495, 1503-04 (10th Cir. 1997).

General's Office and the Wasatch County Prosecutor, asking the state to dismiss charges against Lesa Jenkins for lack of criminal jurisdiction over Ms. Jenkins. See Exhibit G.

7. To date, the State of Utah and the Wasatch County Prosecutor have not responded to Attorney Bassett's letter nor dismissed the charges against Lesa Jenkins. The Tribe asks the Court to take judicial notice of the docket in *State v. Lesa Ann Jenkins*, Wasatch County Justice Court, Case No. 135402644, Exhibit H.

8. The Tribe asks the Court to take judicial notice of the Tribe's Motion For Partial Summary Judgment and a Permanent Injunction Barring Defendants From Relitigating Issues That Have Been Conclusively Adjudicated and From Exercising Criminal Jurisdiction Over Native Americans Inside the Uintah and Ouray Reservation, Dkt. No. 335 in *Ute Tribe v. State of Utah et al.*, U.S. District Court for the District of Utah, consolidate case nos. 2:75-cv-00408 and 2:13-cv-00276.

## **LEGAL ARGUMENT**

### **I. LEGAL AND FACTUAL FRAMEWORK**

The Supreme Court "has consistently recognized that Indian tribes retain 'attributes of sovereignty over both their members and their territory' ... and that 'tribal sovereignty is dependent on, and subordinate to, only the Federal Government, not the States.'" *California v. Cabazon Band of Mission Indians*, 480 U.S. 202, 207 (1987) (quoting *United States v. Mazurie*, 419 U.S. 544, 557 (1975)). "Jurisdictional status of land implicates not only ownership, but also the core sovereignty interests of Indian

tribes and the federal government in exercising civil and criminal authority over tribal territory.” *HRI, Inc. v. EPA*, 198 F.3d 1224, 1245-46 (10th Cir. 2000), *abrogated in part on other grounds*, 562 F.3d 1249 (10th Cir. 2009).

Indian tribes possess inherent sovereign power to regulate not only the activities of their own tribal members, but the conduct of non-member Indians (members of other federally recognized Indian tribes) when that conduct occurs within the regulating tribe’s jurisdictional authority. See 25 U.S.C. § 1301(2)); *United States v. Lara*, 541 U.S. 193 (2004) (interpreting 25 U.S.C. § 1301(2)); see generally COHEN’S HANDBOOK OF FEDERAL INDIAN LAW, § 4.01 (12th ed.).

There is a presumption against state jurisdiction in Indian country. See *Cabazon*, 480 U.S. at 216 n.18; see also *Cheyenne-Arapaho Tribes of Oklahoma v. State of Oklahoma*, 618 F.2d 665, 668 (10th Cir. 1980).

The term “Indian Country” refers to territory that has been “set aside for the operation of special rules allocating governmental power among Indian tribes, the federal government, and the states.” HANDBOOK OF FEDERAL INDIAN LAW, § 3.01, p. 131. The legal definition of Indian country is found in the U.S. Criminal Code at 18 U.S.C. § 1151. As pertinent here, 18 U.S.C. § 1151 defines Indian Country to include:

- (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation,

\* \* \* \*

- (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

(emphasis added). The words “all land” and “notwithstanding the issuance of any

patent” are terms that were intended by Congress to avoid checkerboard jurisdiction. See *Seymour v. Superintendent*, 368 U.S. 351, 358 (1962); accord *Moe v. Confederated Salish & Kootenai Tribes*, 425 U.S. 463, 477-79 (1976). See generally HANDBOOK OF FEDERAL INDIAN LAW, § 3.04[2][c], p. 192.

Under federal law a state can assume criminal jurisdiction over Indians in Indian Country only “with the consent” of the Indian tribe(s) affected by the assumption. 25 U.S.C. § 1321(a)(1).2. The Indian tribes in Utah have never consented to state jurisdiction over their reservations. *United States v. Felter*, 752 F.2d 1505, 1508 n.7 (10th Cir. 1985). In the absence of tribal consent, “state jurisdiction over crimes committed in Indian Country is limited to criminal acts committed ‘by non-Indians against non-Indians . . . and victimless crimes by non-Indians.’” *State v. Valdez*, 65 P.3d 1191 (Utah App. 2003) (alteration in original) (quoting *Solem v. Bartlett*, 465 U.S. 463, 465 n.2 (1984)).

**III. THE DEFENDANTS MUST BE ENJOINED FROM  
EXERCISING CRIMINAL JURISDICTION OVER LESA ANN JENKINS  
FOR ALLEGED OFFENSES THAT OCCURRED IN INDIAN COUNTRY**

The U.S. Constitution guarantees the right of each citizen to be free from “unreasonable searches and seizures.” U.S. Const. amend. IV. An arrest of a tribal member on tribal land by a state officer is unconstitutional because a warrantless arrest executed outside the arresting officer’s jurisdiction is analogous to a warrantless arrest

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2 25 U.S.C. § 1321(a)(1) reads in pertinent part: “The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to assume, with the consent of the Indian tribe occupying the particular Indian country or part thereof which could be affected by such assumption. . . .”

without probable cause. *Ross v. Neff*, 905 F.2d 1349, 1354 (10th Cir. 1990); *see also Bishop Paiute Tribe v. County of Inyo*, 275 F.3d 893 (9th Cir. 2002) (extra-territorial search of tribal offices by California district attorney and county sheriff was unconstitutional), *rev'd on other grounds sub nom., Inyo County v. Paiute-Shoshone Indians*, 538 U.S. 701 (2003); *United States v. Foster*, 566 F. Supp. 1403, 1411-12 (D.D.C. 1983) (extra-territorial arrest was illegal); *District of Columbia v. Perry*, 215 A.2d 845, 847 (D.C. 1996) (extra-territorial arrest was illegal); *South Dakota v. Cummings*, 679 N.W.2d 484 (S.D. 2004) (state deputy in “fresh pursuit” could not pursue a tribal member onto the Pine Ridge Reservation for an off-reservation speeding violation); *Farmington v. Benally*, 892 P.2d 629 (N.M. App. 1995) (disallowing arrest after pursuit).

To obtain a preliminary injunction a party must prove (1) likelihood of success on the merits, (2) irreparable harm unless the injunction is issued, (3) the threatened injury outweighs the harm that the injunction may cause the opposing party, and (4) that the injunction, if issued, will not adversely affect the public interest. *Prairie Band Potawatomi Nation v. Wagon*, 476 F.3d 818, 822 (10th Cir. 2007). The only difference between the requirements for a preliminary injunction and the requirements for a permanent injunction is that a permanent injunction requires a showing of actual success on the merits, whereas a preliminary injunction requires a showing of a substantial likelihood of success on the merits. *Id.*

As to the first requirement, the Tribe prevails on the merits because the State of Utah and its political subdivisions and municipalities have no criminal jurisdiction over Native Americans inside the Tribe’s reservation. *See United States v. Felter*, 752 F.2d

at 1508 n.7; see also *United Keetoowah Band of Cherokee Indians v. State of Oklahoma*, 927 F.2d 1170, 1182 (10th Cir. 1991) (affirming a permanent injunction enjoining the Tulsa County District Attorney from exercising criminal jurisdiction over a single Indian allotment in Tulsa County); *Seneca-Cayuga Tribe of Oklahoma v. State of Oklahoma*, 874 F.2d 709, 716 (10th Cir. 1989) (affirming preliminary injunction to enjoin the State of Oklahoma from exercising state criminal jurisdiction over tribal gaming operations); *Langley v. Ryder*, 602 F. Supp. 335 (W.D. La. 1985) (holding the State of Louisiana lacks criminal jurisdiction to prosecute Native Americans for offenses committed on tribal trust lands).

As to the second requirement, the Tribe has made a sufficient showing of irreparable harm “as a matter of law.” *Kiowa Indian Tribe of Oklahoma v. Hoover*, 150 F.3d 1163, 1171 (10th Cir. 1998) (emphasis added). In *Kiowa* the Tenth Circuit reversed a district court’s refusal to enjoin proceedings in an Oklahoma state court that threatened the seizure of tribal assets. Significantly, in *Kiowa* the Tenth Circuit rejected the district court’s finding of no irreparable harm. Instead, the Tenth Circuit said it was “convinced” the Kiowa Tribe had made a sufficient showing of irreparable harm “as a matter of law.” (emphasis added) *Id.* at 1171. In so ruling, the Court explained that the Tribe’s sovereign immunity would be “irrevocably lost” once the Tribe was forced to “endure the burdens of litigation.” *Id.* at 1171.

Indian tribes are irreparably harmed when they suffer an unlawful deprivation of their jurisdictional authority. *Comanche Nation v. United States*, 393 F. Supp. 2d 1196, 1205-06, 1210-11 (W.D. Okla. 2005). Indeed, the Tenth Circuit has “repeatedly stated”

that enforcing state criminal jurisdiction on Indian land is an “invasion of tribal sovereignty” constituting irreparable injury. *Wyandotte Nation v. Sebelius*, 443 F.3d 1247, 1255-56 (10th Cir. 2006). State encroachments on tribal sovereignty constitute an irreparable injury because the harm to tribal self-government is “not easily subject to valuation,” but more importantly, because “monetary relief might not be available because of the state’s sovereign immunity.” *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1250 (10th Cir. 2001); see also *Choctaw Nation of Oklahoma v. State of Oklahoma*, 724 F. Supp. 2d 1182, 1187 (W.D. Okla. 2010) (remedies at law are inadequate to remedy illegal assertions of state jurisdiction in Indian Country); *Winnebago Tribe of Nebraska v. Stovall*, 205 F. Supp. 2d 1217, 1222 (D. Kan. 2002) (monetary damages are not sufficient “to undo the damage” caused by illegal seizures of property and encroachments on tribal sovereignty).

The threat of repeated state prosecutions creates the “prospect of significant interference with [tribal] self-government.” *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d at 1250, citing *Seneca-Cayuga Tribe of Okla. v. State of Okla.*, 874 F.2d at 716. Neither the Ute Tribe nor its tribal members should be “forced to expend time and effort on litigation in a court that does not have jurisdiction over them, and risk inconsistent binding judgments from state and federal courts.” *Seneca-Cayuga* at 716.

In *Coeur D’Alene Tribe v. Hammond*, 244 F. Supp. 2d 1264 (D. Idaho), the district court emphasized a point that applies with equal force to the Defendants’ prosecution of Ute tribal members and the Defendants’ illegal assertion of state criminal jurisdiction inside the Ute Tribe’s reservation:



Generally, courts grant equitable relief in the event of irreparable injury and the inadequacy of legal remedies. . . . [citation omitted] . . . When a plaintiff's constitutional rights are violated, there is a *presumption* of irreparable harm. An injunction is therefore the appropriate remedy for a constitutional violation. (emphasis added)

*Id.* at 1267. Each time the State of Utah extends its criminal jurisdiction inside the Tribe's reservation boundaries, Ute tribal members suffer unconstitutional deprivations of their liberty and/or property, *Ross v. Neff*, 905 F.2d 1349, 1354, and the Ute Tribe suffers an illegal encroachment on its territorial jurisdiction. *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d at 1250 (Indian tribes have the inherent right to control access and presence of persons on their Reservations); *Seneca-Cayuga Tribe of Oklahoma v. State of Oklahoma*, 874 F.2d at 710, 716 (the disclaimer in the Oklahoma Enabling Act—identical to the Utah Enabling Act of 1894—disclaims both proprietary and governmental authority); *Indian Country, U.S.A., Inc. v. Okla. Tax Comm'n.*, 829 F.2d 967, 976-81 (10th Cir. 1987) (same).

As a matter of law the threatened injury to the Ute Tribe and its tribal members outweighs any conceivable harm to the State of Utah and its political subdivisions and municipalities. "The federal nature of the law and of the issues to be decided," combined with the State's lack of criminal jurisdiction over Native Americans inside the Tribe's reservation, "reduce the State's interest in this litigation to the vanishing point." *Seneca-Cayuga Tribe of Oklahoma v. State of Oklahoma*, 874 F.2d at 716; *see also* *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d at 1251-52 (the state "has not been prevented from enforcing its registration and titling laws *wholesale*—only with respect to the tribe and its members") (emphasis added).

As a matter of law a permanent injunction will not adversely affect the public interest. Exactly the opposite is true: there is a strong public interest in requiring the State of Utah to recognize and comply with federal laws that protect the integrity of the Ute Tribe's sovereign territory and the Tribe's right to self-governance. *Winnebago Tribe of Nebraska v. Stovall*, 205 F. Supp. 2d at 1223 ("the public has a significant interest in assuring the viability of tribal self-government, self-sufficiency, and self-determination"). See also *Indian Country, U.S.A., Inc. v. State of Oklahoma*, 829 F.2d at 988 (affirming injunction against state regulation and taxation over tribal bingo enterprise); *Choctaw Nation of Oklahoma v. State of Oklahoma*, 724 F. Supp. 2d at 1187 (permanently enjoining state court jurisdiction over Indian country tort lawsuits on the Tribe's motion for summary judgment); *Swimming Turtle v. Bd. Of County Commissioners of Miami County*, 441 F. Supp. 374 (N.D. Ind. 1977) (permanently enjoining state taxation of Indian individual); *United States v. Bennett County, South Dakota*, 265 F. Supp. 249 (D.S.D. 1967) (permanently enjoining the County from opening a roadway in the Pine Ridge Indian Reservation); *United States v. Fraser*, 156 F. Supp. 144 (D. Mont. 1957) (permanently enjoining livestock trespass on Indian lands).

There is a strong public interest in requiring the state defendants to stop violating Ute tribal members' rights under the Fourth and Fourteenth Amendments of the Constitution. There is also a strong public interest in expecting the Defendants to abide by and show due respect for the decisions of the federal courts in *Ute Tribe v. State of Utah et al.*, U.S. District Court, District of Utah, Case No. 75-cv-00408-BSJ.

### CONCLUSION

Based on all the reasons discussed herein, the Court should issue a preliminary injunction to enjoin the State of Utah's prosecution of Lesa Ann Jenkins for an alleged offense that undisputedly occurred outside of the State of Utah's territorial jurisdiction.

DATED this 3<sup>rd</sup> day of December, 2013.

J. PRESTON STIEFF LAW OFFICES

*/s/ J. Preston Stieff*

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Attorney for Plaintiff

INDEX OF EXHIBITS

- Exhibit A Declaration of Lesa Jenkins
- Exhibit B Citation Issued to Lesa Jenkins
- Exhibit C Vehicle Impound Report for Lesa Jenkins' Vehicle
- Exhibit D BIA Land Status Verification for MP 23, State Road 35
- Exhibit E Enlargement of 1997 Jurisdiction Map Showing Location of Lesa Jenkins' Alleged Offenses
- Exhibit F Third Declaration of Attorney Frances C. Bassett
- Exhibit G October 23, 2013 Letter to Utah Attorney General's Office and Wasatch County Prosecutor
- Exhibit H Docket in *State v. Lesa Ann Jenkins*, Wasatch County Justice Court, Case No. 135402644

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of December, 2013, I electronically filed the foregoing **EXPEDITED MOTION FOR PRELIMINARY INJUNCTION** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all parties of record as follows:

**JOHN E. SWALLOW**

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*/s/ J. Preston Stieff* \_\_\_\_\_

# **EXHIBIT A**

Frances C. Bassett, *Pro Hac Vice Admission*  
Jeffrey S. Rasmussen, *Pro Hac Vice Admission*  
Sandra L. Denton, *Pro Hac Vice Admission*  
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*Attorneys for Plaintiff*

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**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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**UTE INDIAN TRIBE OF THE UINTAH &  
OURAY RESERVATION, UTAH,**

**Plaintiff,**

**v.**

**THE STATE OF UTAH, DUCHESNE  
COUNTY, a political subdivision of the  
State of Utah, ROOSEVELT CITY, a  
municipal Corporation, DUCHESNE CITY,  
a municipal corporation, MYTON, a  
municipal corporation, and UINTAH  
COUNTY, a political subdivision of the  
State of Utah**

**Defendants.**

**DECLARATION OF LESA JENKINS**

**Consolidated Action**

**Civil Nos.**

**2:75-cv-00408-BSJ & 2:13-cv-00276-TS**

**Senior Judge Bruce S. Jenkins**

I, Lesa Jenkins, do hereby depose and state as follows:

1. I am an enrolled member of the Ute Indian Tribe of the Uintah and Ouray Reservation.


2. On July 27, 2013 I was traveling on State Road (SR) 35 in Wasatch County, Utah in an area I believe to be within Indian Country.

3. I was pulled over by a Utah State Trooper and issued a citation for speeding and other traffic offenses.

4. My attorney informed me that, after looking at a jurisdictional map, the area the state trooper listed on my citation as the location of the alleged traffic offenses is in fact within Indian Country.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of August, 2013

  
\_\_\_\_\_  
Lesla Jenkins



<b>COMMERCIAL VEHICLE INFORMATION</b>		<b>UTAH HIGHWAY PATROL SECTION 5</b> UNIFORM CITATION OR INFORMATION AND SUMMONS TO APPEAR				<b>CASE NO.</b> 051300550		<b>CITATION NO.</b> C127795276	
COMMERCIAL VEHICLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO HAZMAT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 18+ OCCUPANTS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OUT OF SERVICE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO CVSA INSPECTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>INCIDENT NO.</b> VE2522719		<b>ORI</b> UTUHP1700					
GVV# _____ DOT NO _____ TYPE _____		NAME (Last) <b>JENKINS</b> (First) <b>LESA</b> (Middle) <b>ANN</b> DOB <b>1/1963</b> PHONE _____		ADDRESS _____ (City) <b>Fort Duchesne</b> (State) <b>Utah</b> (Zip) <b>84026</b>		Driver License No. <b>167552873</b> CDL Presented <b>No</b> Expires <b>12/2014</b> State <b>UT</b> Restriction <b>A</b> Place of Birth _____ Social Security No. _____ Motorcycle <b>No</b>			
COMPANY/ UNIT # _____ ADDRESS _____ CITY _____ STATE _____		Gender <b>Female</b> Ethnic Code <b>I</b> Height <b>5'2"</b> Weight <b>240</b> Eyes <b>BRO</b> Hair <b>BLK</b> Vehicle License No. <b>AWR8349</b> State <b>AZ</b> Expires <b>05/2014</b>		Picture ID <b>Yes</b> Vehicle Make <b>CHEV</b> Vehicle Model <b>HHR</b> Vehicle Type <b>4D</b> Vehicle Year <b>2007</b> Vehicle Color <b>WHI</b> Accident: <b>No</b> Injury Severity: <b>None</b>		ON (DATE) <b>07/27/2013</b> MILITARY TIME <b>17:16</b> DIRECTION OF TRAVEL <b>W</b>			
<b>STATE OF UTAH</b> <input type="checkbox"/> COUNTY OF <b>Wasatch</b> <input type="checkbox"/> CITY OF _____		THE DEFENDANT IS HEREBY GIVEN NOTICE TO APPEAR IN: COURT OF <b>Wasatch County Justice Court</b>		LOCATION <b>SR-35,</b> COUNTY <b>Wasatch</b> MILE POST NO <b>23</b>		UT CO CT _____ THE ABOVE NAMED DEFENDANT IS CHARGED WITH VIOLATING THE FOLLOWING Description Code No. Code Type			
LOCATION and TELEPHONE# <b>1361 S Highway 40, Suite 100</b> <b>Heber City, UT 84032-3783,</b> <b>Tel: (435) 654-2879</b>		<input checked="" type="checkbox"/> <b>INTERLOCK RESTRICTED DRIVER OPERATING VEHICLE W/O IL SYSTEM</b> <b>41-6A-518.2(3)</b> <b>MISD</b>		<input checked="" type="checkbox"/> <b>FAILURE TO INSTALL IGNITION INTERLOCK DEVICE</b> <b>41-6A-518(4)(A)</b> <b>MISD</b>		<input checked="" type="checkbox"/> <b>SPEEDING (R52/40)</b> <b>41-6A-601</b> <b>TRAF</b>			
Not less than ( ) five nor more than (14) hours on days after issuance of this citation or at a time specified by the court. IF YOU FAIL TO APPEAR, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.		<input checked="" type="checkbox"/> <b>OPERATE VEH W/O LICENSE OR REGIST (SUSPENDED OR REVOKED) (Suspended)</b> <b>41-12A-603</b> <b>MISD</b>		<input checked="" type="checkbox"/> <b>DRIVE ON SUSP/REVOCATION/DEN ALC RELATED</b> <b>53-3-227(3)(A)</b> <b>MISD</b>		Speeding _____ MPH Over _____ Interstate <b>No</b> Alcohol BAC _____			
FOR COURT USE ONLY DATE OF CONVICTION _____ FINE _____ SUSPENDED _____ JAIL _____ SUSPENDED _____ DISPOSITION FELLOW <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No PLEA FINDING _____ SEVERITY _____ <input type="checkbox"/> Guilty <input type="checkbox"/> Delinquent <input type="checkbox"/> Minimum <input type="checkbox"/> No Contest <input type="checkbox"/> Diversion <input type="checkbox"/> Lic. Suspended <input type="checkbox"/> Not Guilty <input type="checkbox"/> Dismissed <input type="checkbox"/> Maximum <input type="checkbox"/> Plea in Abeyance <input type="checkbox"/> Forfeited Bail		WITHOUT ADMITTING GUILT I PROMISE TO APPEAR AS DIRECTED HEREIN SIGNATURE OR _____ OFFENSE TRACKING NUMBER: <b>VIOLATOR COPY</b> OFFICER _____ BADGE NO. ID: <b>523</b> DATE OF CITATION <b>07/27/2013</b>		Signature of Judge or Court Clerk Required _____ <b>VIOLATOR COPY</b> DATE SENT TO OLD _____ DOCKET NO _____ <b>RIGHT INDEX</b>					

NOTICE TO VIOLATOR  
- READ CAREFULLY -

PROMISE TO APPEAR: Signing the citation is not an admission of guilt but merely a promise to appear at the time and place designated. Failure to appear at the time and place involved is an additional and separate violation and will result in the issuance of a warrant for your arrest, unless bail has been posted.

READ CAREFULLY: This citation is not an admission of guilt and will not be used as an admission without your consent. If an admission is filed, you will be provided a copy by the court. You MUST appear in court on or before the time set in this citation or as directed by the court. IF YOU FAIL TO APPEAR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.  
EXCERPTS FROM UTAH CODE ANNOTATED 1953, AS AMENDED ARE QUOTED BELOW FOR YOUR INFORMATION:

Section 77-7-22 FAILURE TO APPEAR AS MISDEMEANOR

Any person who willfully fails to appear before a court pursuant to a citation issued under the provisions of Section 77-7-... is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which he was originally cited.

Section 77-7-26 IMPROPER DISPOSITION OR CANCELLATION OF NOTICE TO APPEAR OR TRAFFIC CITATION - OFFICIAL MISCONDUCT - MISDEMEANOR

(1) (a) It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of:

- (i) a notice to appear, or
- (ii) traffic citation.

(b) The provisions of Subsection (1) (a) do not apply if the disposal is done with the consent of the magistrate before whom the arrested person was to appear.

(2) A person who cancels or solicits the cancellation of a notice to appear or a traffic citation, in any manner other than as provided by law, is guilty of a class B misdemeanor.

# **EXHIBIT B**

<b>COMMERCIAL VEHICLE INFORMATION</b> COMMERCIAL VEHICLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO HAZMAT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 18+ OCCUPANTS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OUT OF SERVICE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO CVSA INSPECTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>UTAH HIGHWAY PATROL SECTION 5</b> UNIFORM CITATION OR INFORMATION AND SUMMONS TO APPEAR				<b>CASE NO.</b> 051300550		<b>CITATION NO.</b> C127795276		
						<b>INCIDENT NO.</b> VE2522719		<b>ORI</b> UTUHP1700		
GVV# _____ DOT NO _____ TYPE _____ COMPANY/ UNIT # _____ ADDRESS _____ CITY _____ STATE _____		NAME (Last) <b>JENKINS</b> (First) <b>LESA</b> (Middle) <b>ANN</b>		DOB <b>1/1963</b> PHONE _____		ADDRESS (City) <b>Fort Duchesne</b> (State) <b>Utah</b> (Zip) <b>84026</b>				
		Driver License No. <b>167552873</b>	CDL Presented <b>No</b>	Expires <b>12/2014</b>	State <b>UT</b>	Restriction <b>A</b>	Place of Birth _____	Social Security No. _____	Motorcycle No _____	
		Gender <b>Female</b>	Ethnic Code <b>I</b>	Height <b>5'2"</b>	Weight <b>240</b>	Eyes <b>BRO</b>	Hair <b>BLK</b>	Vehicle License No. <b>AWR8349</b>	State <b>AZ</b>	Expires <b>05/2014</b>
<b>STATE OF UTAH</b> COUNTY OF <b>Wasatch</b> CITY OF _____		Picture ID <b>Yes</b>	Vehicle Make <b>CHEV</b>	Vehicle Model <b>HHR</b>	Vehicle Type <b>4D</b>	Vehicle Year <b>2007</b>	Vehicle Color <b>WHI</b>	Accident: <b>No</b> Injury Severity: <b>None</b>		
THE DEFENDANT IS HEREBY GIVEN NOTICE TO APPEAR IN: COURT OF <b>Wasatch County Justice Court</b> LOCATION and TELEPHONE# <b>1361 S Highway 40, Suite 100 Heber City, UT 84032-3783, Tel: (435) 654-2879</b> Not less than ( ) five nor more than (14) fourteen days after issuance of this citation or at a time specified by the court. IF YOU FAIL TO APPEAR, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.		ON (DATE) <b>07/27/2013</b> MILITARY TIME <b>17:16</b> DIRECTION OF TRAVEL <b>W</b>		LOCATION <b>SR-35,</b> COUNTY <b>Wasatch</b> MILE POST NO <b>23</b>		UIC/CO/CY _____ THE ABOVE NAMED DEFENDANT IS CHARGED WITH VIOLATING THE FOLLOWING Description Code No. Code Type				
		<input checked="" type="checkbox"/> <b>INTERLOCK RESTRICTED DRIVER OPERATING VEHICLE W/O IL SYSTEM</b>					<b>41-6A-518.2(3)</b>	<b>MISD</b>		
		<input checked="" type="checkbox"/> <b>FAILURE TO INSTALL IGNITION INTERLOCK DEVICE</b>					<b>41-6A-518(4)(A)</b>	<b>MISD</b>		
		<input checked="" type="checkbox"/> <b>SPEEDING (R52/40)</b>					<b>41-6A-601</b>	<b>TRAF</b>		
		<input checked="" type="checkbox"/> <b>OPERATE VEH W/O LICENSE OR REGIST (SUSPENDED OR REVOKED) (Suspended)</b>					<b>41-12A-603</b>	<b>MISD</b>		
		<input checked="" type="checkbox"/> <b>DRIVE ON SUSP/REVOCATION/DEN ALC RELATED</b>					<b>53-3-227(3)(A)</b>	<b>MISD</b>		
			Speeding _____	MPH Over _____	Interstate <b>No</b>	Alcohol BAC _____				
FOR COURT USE ONLY DATE OF CONVICTION _____ FINE _____ SUSPENDED _____ JAIL _____ SUSPENDED _____ DISPOSITION FELONY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No PLEA/FINDING SEVERITY <input type="checkbox"/> Guilty <input type="checkbox"/> Delinquent <input type="checkbox"/> Minimum <input type="checkbox"/> No Contest <input type="checkbox"/> Diversion <input type="checkbox"/> Lic. Suspended <input type="checkbox"/> Not Guilty <input type="checkbox"/> Dismissed <input type="checkbox"/> Maximum <input type="checkbox"/> Plea in Abeyance <input type="checkbox"/> Forfeited Bail		WITHOUT ADMITTING GUILT I PROMISE TO APPEAR AS DIRECTED HEREIN SIGNATURE OR _____ OFFENSE TRACKING NUMBER: <b>VIOLATOR COPY</b> OFFICER _____ LICENSE # _____ BADGE NO. ID: <b>523</b> DATE OF CITATION <b>07/27/2013</b>		Signature of Judge or Court Clerk Required _____ <b>VIOLATOR COPY</b>		DATE SENT TO OLD _____ DOCKET NO _____		<b>RIGHT INDEX</b>		

NOTICE TO VIOLATOR  
 - READ CAREFULLY -

PROMISE TO APPEAR: Signing this citation is not an admission of guilt but merely a promise to appear at the time and place designated. Failure to appear at the time and place involved is an additional and separate violation and will result in the issuance of a warrant for your arrest, unless bail has been posted.

READ CAREFULLY: This citation is not an admission of guilt and will not be used as an admission without your consent. If an admission is filed, you will be provided a copy by the court. You MUST appear in court on or before the time set in this citation or as directed by the court. IF YOU FAIL TO APPEAR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.  
 EXCERPTS FROM UTAH CODE ANNOTATED 1953, AS AMENDED ARE QUOTED BELOW FOR YOUR INFORMATION:

Section 77-7-22 FAILURE TO APPEAR AS MISDEMEANOR

Any person who willfully fails to appear before a court pursuant to a citation issued under the provisions of Section 77-7-... is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which he was originally cited.

Section 77-7-26 IMPROPER DISPOSITION OR CANCELLATION OF NOTICE TO APPEAR OR TRAFFIC CITATION - OFFICIAL MISCONDUCT - MISDEMEANOR

(1) (a) It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of:

- (i) a notice to appear, or
- (ii) traffic citation.

(b) The provisions of Subsection (1) (a) do not apply if the disposal is done with the consent of the magistrate before whom the arrested person was to appear.

(2) A person who cancels or solicits the cancellation of a notice to appear or a traffic citation, in any manner other than as provided by law, is guilty of a class B misdemeanor.

# EXHIBIT C

Utah State Tax Commission  
Vehicle Impound Report

Citation No:

No U3417372

PAGE 1 OF 1

Impound Date & Time 07/27/2013 17:22:44	Vehicle Year 2007	Make Chevrolet	Model HHR	Type SEDAN, 4 DOOR.	Color WHITE
Vehicle Identification or Serial Number 3GNDA13D978552786				Odometer reading 123847	
License Plate Number AWR8349	State AZ	Decal Number AWR8349	Year of Decal 2014	Month/Year of Expiration 05/2014	
Vehicle Removed from SR-35, hannah, UT					Mile Post 24
Yard Name/Address Rasmussen Hwy 40, hannah, UT 84					Yard Number 209

- Other: suspended registration       Ignition Interlock System Violation  
 Alcohol Suspension

Owner Name JENKINS, LESA ANN	Address Fort Duchesne, UT 84026	Phone (435)
Owner was the Driver		

- Radio       Tape Player       CD Player       Hub Caps / Special Rims  
 Mirrors       Mats       Spare Tire       Jack  
 Jumper Cables

- 2 DVD PLAYERS       CASE FULL CDS       DVD REMOTE       HAND SANITIZER  
 MISC GARBAGE       MISC COINS       BAYER ASPRIN       3 PAIR SUNGLASSES  
 CANDY       MAKE UP       WATER BOTTLE       CLOTHES  
 CAMERA BAG AND CAMERA RELEASED TO DRIVER       2 PAIR BOOTS RELEASED TO DRIVER       MISC HATS       1 PAIR MOCASINS  
 GLASSES CASE       TOE SHOES RELEASED TO DRIVER       BAG FULL OF CDS       MISC BLANKETS  
 COATS 2 RELEASED TO DRIVER       COOLER WITH CAPRI SUN       VISOR       CAMP CHAIR  
 BAG FULL OF CLOTHES RELEASED TO DRIVER

- Left Front Fender       Left Rear Fender       Left Doors       Left Front Wheel (Special)  
 Left Front Hubcap       Left Rear Wheel (Special)       Left Rear Hubcap       Right Front Fender  
 Right Rear Fender       Right Doors       Right Front Wheel (Special)       Right Front Hubcap  
 Right Rear Wheel (Special)       Right Rear Hubcap       Front Bumper       Grill  
 Roof       Trunk Lid       Rear Bumper       WINDSHIELD DAMAGED  
 BACK DOOR BANGED IN

Officer Signature Gibbs, Adam	Agency Utah Highway Patrol Section 6	ORI UTUHP1700	Case Number 051300660
----------------------------------	---	------------------	--------------------------

- Do not release from impound without authorization from impounding agency

TO GET A RELEASE FOR YOUR VEHICLE, FOLLOW THE TWO STEPS SHOWN BELOW

STEP 1

Contact your local Motor Vehicle office and

- present proper evidence of ownership; e.g. title, registration card, bill of sale (picture ID needed);
- pay all fees and penalties due for titling or registration functions;
- pay a \$350 fee if the vehicle was impounded for DUI; and
- obtain a "Letter of Impound Release."

STEP 2

Contact the impound yard or towing company and

- present the "Letter of Impound Release";
- present identification to the impound yard owner; and,
- pay the towing and storage fees.

IF YOU HAVE QUESTIONS OR CONCERNS REGARDING THE IMPOUND ACTION or the fees or penalties imposed for titling or registration functions, please contact the Tax Commission at (801) 297-7780 or 1-800-368-8824. Any criminal proceedings originated by law enforcement related to the impounded vehicle are separate from any impound action by the Tax Commission.

# **EXHIBIT D**



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
UINTAH & OURAY AGENCY  
P.O. Box 130 or 988 S. 7500 E.  
Fort Duchesne, Utah 84026



IN REPLY REFER TO  
Real Estate Services MS-420

SEP 10 2013

Sandra L. Denton, Attorney  
1900 Plaza Drive  
Louisville, CO 80027

RE: Verification for Land Status/Jurisdiction

Dear Ms. Denton:

A request was made for written verification of land status for State Road (SR) 35 - Mile Post Marker 23. On November 20, 1998, Judge Bruce Jenkins, entered an order approving maps depicting the status of land within the Uintah Valley Indian Reservation in Ute Indian Tribe v. State of Utah, et al., USDC-UT, Case No. 75-CV408-J. The status referred to is that of "INDIAN COUNTRY" as defined in 18 U.S.C. 1151, and also land ownership. The order states:

There will hereafter exists' a rebuttable presumption that the maps accurately depict the status of the land. Any individual or entity may seek to rebut this presumption if it is in his, her, or its interest to do so in connection with a particular case or controversy.

The above location is where written verification of land status was requested and is described as:

LEGAL DESCRIPTION: A parcel of land described as follows, to wit:  
(MP 23) NW/4 SW/4 of Sec. 12, T1N-R10W  
Wasatch County, U.S.B. & M., State of Utah

LAND STATUS: This land is National Forest Lands and is deemed within the realm of Indian Country according to Hagen and these lands are within the Original boundaries of the Uintah Valley Reservation. These are non-Trust lands and are still within the classification of Indian Country. We have examined our Plat Book/Land Records and we hereby verify that the land described above **IS WITHIN THE AREA DESIGNATED AS INDIAN COUNTRY.**

If you have any questions regarding the above information you may contact Mr. David Murray, Realty Officer by phone at 435/722-4321, by email [david.murray@bia.gov](mailto:david.murray@bia.gov) or by facsimile at 435/722-2323.

Sincerely,

  
Superintendent

Cc: Agency chrono file

Land Status of NW SW, Sec. 12, NE NE, Sec. 13 T1N-R10W, USB&M, Wasatch County, Utah

This land is identified as Forest Service Land and are deemed within the realm of Indian Country

Unifit & Ourey Agency  
 PO BOX 130  
 988 South 7500 East  
 Ft. Duchesne, UT 84028

Prepared by:  
 Pamela Martin Cuch, Realty Specialist  
 Date: 9/9/2013

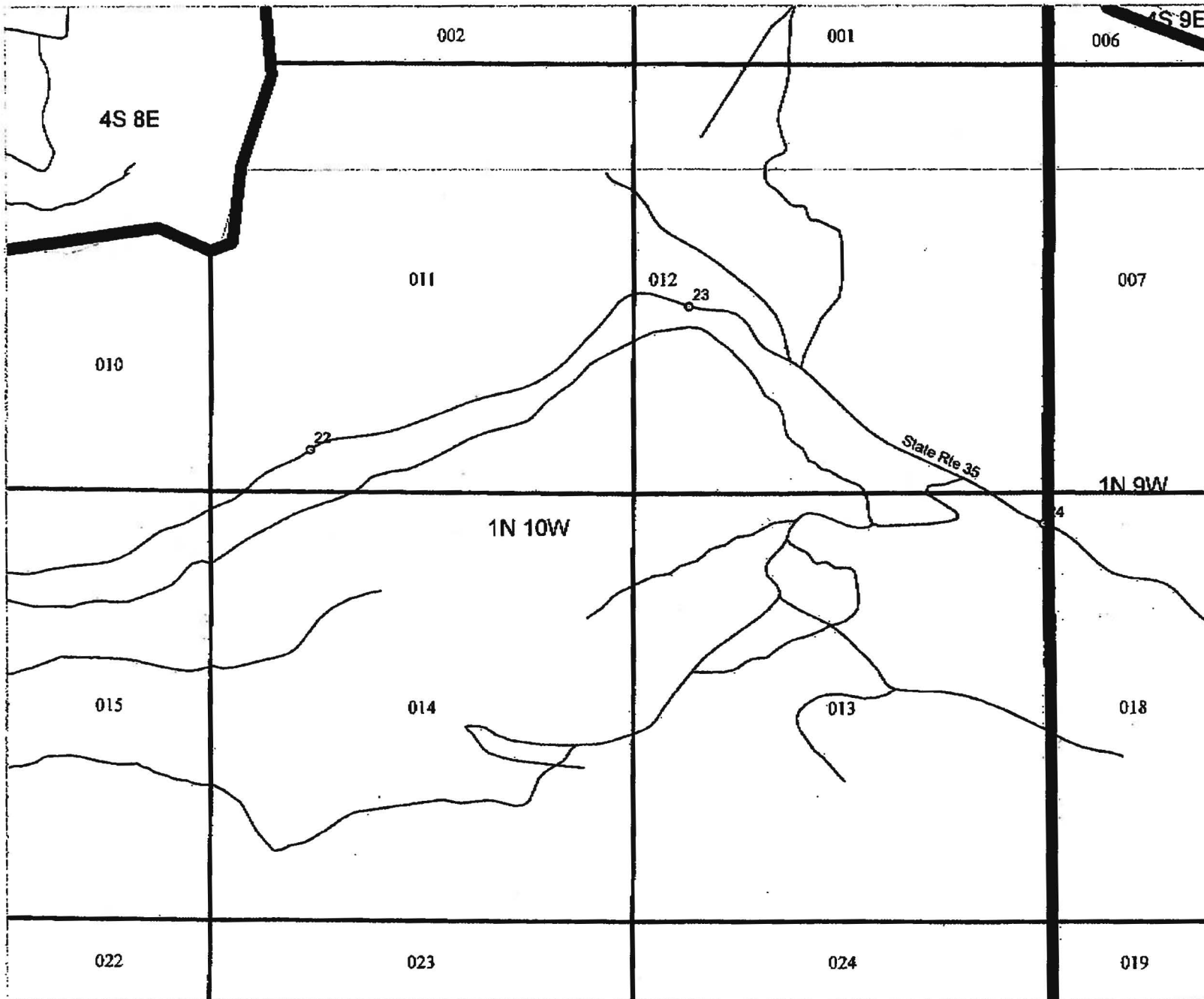
Source:  
 National Aerial Imagery  
 Program (NAIP)

Provided by:  
 Aerial Geographic  
 Reference Center  
 5130 State Office Building  
 Salt Lake City, UT 84114

Page: 3/3

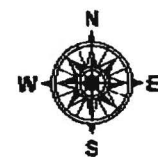
From: 4357222323

10-SEP-2013 14:56



**Legend**

- UDOT Marker
- Roads
- NAIP2008\_Unt.sid
- RGB
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3
- Ownership/Status**
- Ownership Records**
  - FOREST SERVICE
  - FED WILDERNESS AREA
  - FED BUREAU OF RECLAMATION
  - FED POWER WITHDRAWAL & CLASS.
  - FED POWER WITHDRAWAL WILDERNESS AREA
  - FED PROTECTIVE WITHDRAWAL
  - PRIVATE
  - PRIVATE FS
  - PRIVATE NATIVE AMERICAN
  - PRIVATE PROTECTIVE WITHDRAWAL FS
  - STATE
  - STATE WILDLIFE RESERVES
  - STATE BUREAU OF RECLAMATION
  - STATE NATIVE AMERICAN
  - WATER
  - WILDERNESS AREA PROTECT WITHDRAWAL
  - WILDERNESS AREA FS














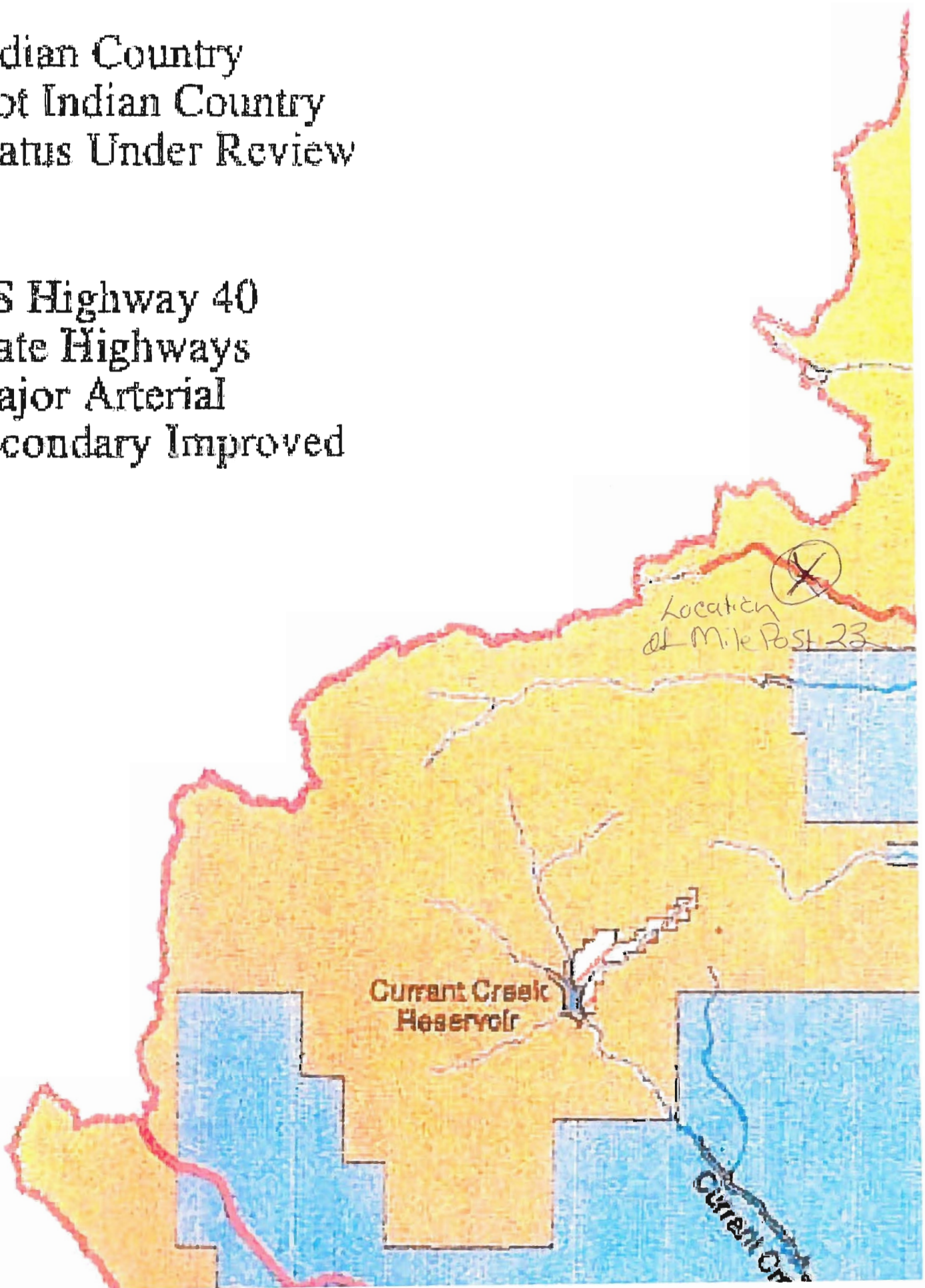
# **EXHIBIT E**

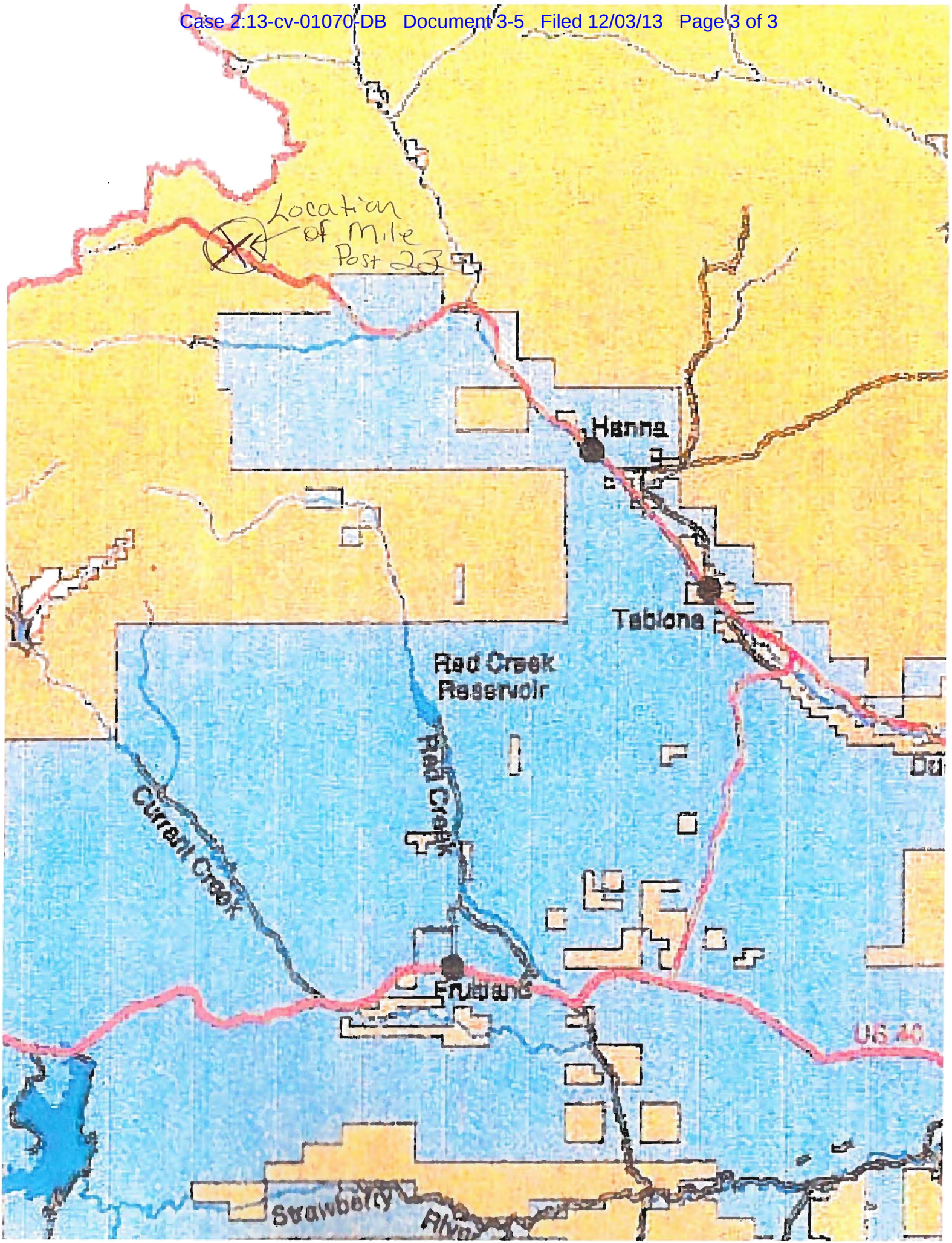
# Legend

-  Indian Country
-  Not Indian Country
-  Status Under Review

## Roads

-  US Highway 40
-  State Highways
-  Major Arterial
-  Secondary Improved





Location  
of Mile  
Post 23

Hanna

Taborne

Red Creek  
Reservoir

Current Creek

Red Creek

Fruitland

US 70

Strawberry River

# **EXHIBIT F**

Frances C. Bassett, *Pro Hac Vice Admission*  
Jeremy J. Patterson, *Pro Hac Vice Admission*  
Jeffrey S. Rasmussen, *Pro Hac Vice Admission*  
Sandra L. Denton, *Pro Hac Vice Admission*  
Todd K. Gravelle, *Pro Hac Vice Admission*  
**FREDERICKS PEEBLES & MORGAN LLP**

1900 Plaza Drive  
Louisville, Colorado 80027-2314  
Telephone: (303) 673-9600  
Facsimile: (303) 673-9155  
Email: fbassett@ndnlaw.com  
Email: jpatterson@ndnlaw.com  
Email: jrasmussen@ndnlaw.com  
Email: sdenton@ndnlaw.com  
Email: tgravelle@ndnlaw.com

J. Preston Stieff (4764)  
**J. PRESTON STIEFF LAW OFFICES**  
136 East South Temple, Suite 2400  
Salt Lake City, Utah 84111  
Telephone: (801) 366-6002  
Facsimile: (801) 521-3484  
Email: jpslaw@qwestoffice.net

*Attorneys for Plaintiff*

---

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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UTE INDIAN TRIBE OF THE UINTAH &  
OURAY RESERVATION, UTAH,

Plaintiff,

v.

THE STATE OF UTAH, DUCHESNE  
COUNTY, et al.,

Defendants.

**THIRD DECLARATION OF  
FRANCES C. BASSETT, Esq.**

Consolidated Action

Civil Nos.  
2:75-cv-00408-BSJ & 2:13-cv-00276-TS

Senior Judge Bruce S. Jenkins

---

I, Frances C. Bassett, do hereby depose and state as follows:

1. I am an attorney at the law firm of Fredericks Peebles & Morgan LLP, and our firm serves as general counsel for the Ute Indian Tribe of the Uintah and Ouray Reservation.

2. The statements in this Declaration supplement my earlier sworn statements contained in my First Declaration,<sup>1</sup> and the statements contained in my Second Declaration.<sup>2</sup>

3. The State of Utah, through Wasatch County, is prosecuting Lesa Ann Jenkins, a member of the Ute Indian Tribe, for alleged misdemeanor traffic offenses that occurred inside the boundary of the Uintah Valley Indian Reservation on State Highway 35, Mile Marker 23. Exhibit U, BIA Land Status Verification, Plaintiff Ute Tribe's Motion for Partial Summary Judgment, filed on November 27, 2013.

4. After discussing Ms. Jenkins' case with Wasatch County Assistant Prosecutor Tyler J. Berg, I sent a letter to both the State of Utah Attorney General's Office and the Wasatch County Attorney's Office, asking that the state charges against Ms. Jenkins be dismissed for lack of jurisdiction. Exhibit X, Letter of 10/29/2013 from Attorney Bassett to Utah Attorney General's Office and Wasatch County Attorney's Office, Plaintiff Ute Tribe's Motion for Partial Summary Judgment, filed on November 27, 2013.

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<sup>1</sup> *Ute Indian Tribe v. State of Utah, et al.*, case no. 75-cv-408, Dkt. 155, and Dkt. 9-1, case no. 2:13-cv-00276.

<sup>2</sup> *Ute Indian Tribe v. State of Utah, et al.*, case no. 75-cv-408, Dkt. 176-2.

5. Despite repeated follow-up phone calls to the Wasatch County Attorney's Office, the State of Utah and Wasatch County have neither responded to my letter of 10/29/2013, nor dismissed the criminal charges against Ms. Jenkins for lack of jurisdiction.


6. A pretrial hearing scheduled for December 3, 2013, has been continued to January 28, 2013.

7. When Utah police cited Ms. Jenkins, they also unlawfully seized her automobile, which forced Ms. Jenkins to pay impoundment fees in order to recover the vehicle.

8. Ms. Jenkins should not have to defend herself in a Utah state court proceeding, nor suffer obvious deprivations of liberty and property, when the State of Utah has no criminal jurisdiction over her.

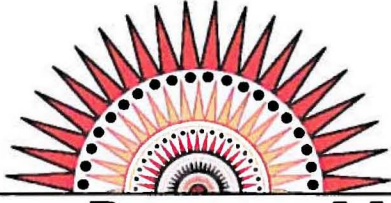
I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27th day of November, 2013

  
Frances C. Bassett, Esq.



# EXHIBIT G



**FREDERICKS PEEBLES & MORGAN LLP**  
ATTORNEYS AT LAW

**FRANCES BASSETT**

1900 Plaza Drive  
Louisville, CO 80027  
Telephone: (303) 673-9600  
Direct: (303) 815-1721  
Fax: (303) 673-9155  
E-Mail: [fbassett@ndnlaw.com](mailto:fbassett@ndnlaw.com)  
[www.ndnlaw.com](http://www.ndnlaw.com)

October 29, 2013

***VIA EMAIL and U.S. MAIL***

Kyle J. Kaiser  
Randy S. Hunter  
Katharine H. Kinsman  
Assistant Attorney Generals  
Utah Attorney General's Office  
Utah State Capitol Complex  
350 North State Street, Suite 230  
Salt Lake City, UT 84114-2320  
[kkaiser@utah.gov](mailto:kkaiser@utah.gov)  
[randyhunter@utah.gov](mailto:randyhunter@utah.gov)  
[kkinsman@utah.gov](mailto:kkinsman@utah.gov)

Scott Sweat  
Wasatch County Attorney  
Tyler J. Berg  
Deputy Wasatch County Attorney  
Wasatch County Attorney's Office  
805 W. 100 S.  
Heber City, UT 84032  
[ssweat@co.wasatch.ut.us](mailto:ssweat@co.wasatch.ut.us)  
[tberg@co.wasatch.ut.us](mailto:tberg@co.wasatch.ut.us)

Re: *State of Utah v. Lesa Jenkins*, case no. 135402644, Wasatch County Justice Court

Dear Counsel:

I spoke yesterday with Attorney Tyler J. Berg about the above-referenced case. Lesa Jenkins is a Ute tribal member who is being prosecuted by the State of Utah, through Wasatch County, for offenses that allegedly occurred at Mile Post Marker 23 on State Road 35. A copy of the land status verification from the Bureau of Indian Affairs (BIA) is attached, showing the area in question to be within Indian Country.

As you know, Indian Country is defined in 18 U.S.C. § 1151(a) to include:

. . . all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation

October 29, 2013

Page 2

The land surrounding Mile Post Marker 23 on State Road 35 is located inside the boundary of the Uintah Valley Reservation as the Reservation boundary was determined by the Tenth Circuit, sitting *en banc*, in *Ute Tribe v. Utah*, 773 F.2d 1087 (10th Cir. 1985) (“*Ute III*”). In *Ute III* the Tenth Circuit said the evidence was “clear” that Congress “did not intend to extinguish the forest lands of the Uintah Reservation,” and thus the Court ruled that the forest lands remain a part of the Uintah Valley Reservation. *Id.* at 1090. Eleven years later the Tenth Circuit reaffirmed its *Ute III* ruling that the national forest lands remain within the boundary of the Uintah Valley Reservation. *Ute Tribe v. Utah*, 114 F.3d 1513, 1528-29 (10th Cir. 1997) (“*Ute V*”).

From speaking to Mr. Berg I believe he is confused by the reference in the BIA letter to Judge Jenkins’ order of November 20, 1998 (attached), which in turn referred to the Jurisdiction Map of October 21, 1997 (attached). Judge Jenkins’ order states, “[t]here will hereafter exist a rebuttable presumption that the maps accurately depict the status of the land. Any individual or entity may seek to rebut this presumption.”

However, the parties’ stipulation, which is also attached—on which the 11-20-98 order was issued—makes clear that the rebuttable presumption exists only as to the jurisdictional status of “particular parcels” of land. The National Forest is not a “particular parcel” of land, but rather, a specific *category* of land. Further, it is a category of land that is within the Reservation boundary as a matter of law under the rulings in *Ute III* and *Ute V*. Under the doctrines of res judicata and stare decisis, the State of Utah and Wasatch County is barred from relitigating these rulings.

Also enclosed is a copy of Ms. Jenkins’ tribal enrollment record. Based on the information provided herein, we request that the State of Utah and Wasatch County dismiss the charges against Ms. Jenkins for lack of jurisdiction. Please advise me of your response at your earliest convenience.

Very truly yours,



Frances C. Bassett

cc: Ute Tribe’s Tribal Business Committee

# EXHIBIT H

WASATCH COUNTY JUSTICE COURT  
WASATCH COUNTY, STATE OF UTAH

STATE OF UTAH vs. LESA ANN JENKINS

CASE NUMBER 135402644 Traffic Court Case

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**CHARGES**

Charge 1 - 41-6A-518.2(3) - INTERLOCK RESTRICTED DRIVER  
OPERATING VEHICLE W/O IL SYSTEM Class B Misdemeanor  
Offense Date : July 27, 2013  
Plea: August 12, 2013 Not Guilty  
Mandatory Appearance

Charge 2 - 41-6A-518(4)(A) - FAILURE TO INSTALL IGNITION  
INTERLOCK DEVICE Class B Misdemeanor  
Offense Date : July 27, 2013  
Plea: August 12, 2013 Not Guilty  
Mandatory Appearance

Charge 3 - 41-6A-601 - SPEEDING 52 in a 40 Class C Misdemeanor  
Offense Date : July 27, 2013  
Plea: August 12, 2013 Not Guilty  
Recommended Bail Amount: \$115.00

Charge 4 - 53-3-227(3)(A) - DRIVE ON SUSP/REVOCATION/DEN ALC  
RELATED Class B Misdemeanor  
Offense Date : July 27, 2013  
Plea: August 12, 2013 Not Guilty  
Mandatory Appearance

**CURRENT ASSIGNED JUDGE**  
O LANE MCCOTTER

**PARTIES**

Defendant - LESA ANN JENKINS  
Represented by: J PRESTON STIEFF

Plaintiff - STATE OF UTAH

**DEFENDANT INFORMATION**

Defendant Name : LESA ANN JENKINS  
Date of Birth : December 12, 1963  
Law Enforcement Agency : UHP - VERNAL  
LEA Case Number : 051300550  
Officer Name : ADAM GIBBS  
Prosecuting Agency : WASATCH COUNTY

CASE NUMBER 135402644 Traffic Court Case

---

Citation Number : C127795276

ACCOUNT SUMMARY

CASE NOTE

eCitation REPORT 08/03/2013 J2606 #5 by ADAM GIBBS

PROCEEDINGS

08-03-13 Case filed

08-03-13 Judge O LANE MCCOTTER assigned.

08-09-13 Filed: Entry of Appearance, Waiver of Arraignment and Entry of  
Not Guilty Plea, Request for Discovery,

08-12-13 Charge 1 Plea is Not Guilty

08-12-13 Charge 2 Plea is Not Guilty

08-12-13 Charge 3 Plea is Not Guilty

08-12-13 Charge 4 Plea is Not Guilty

08-12-13 Charge 5 Plea is Not Guilty

08-14-13 PRETRIAL CONFERENCE scheduled on September 17, 2013 at 09:30 AM  
in WASATCH COURTROOM with Judge MCCOTTER.

08-14-13 Notice - NOTICE for Case 135402644 ID 8575606

PRETRIAL CONFERENCE is scheduled.

Date: 09/17/2013

Time: 09:30 a.m.

Location: WASATCH COURTROOM

1361 S HWY 40

HEBER, UT 84032

Before Judge : O LANEMCCOTTER

08-28-13 Filed: Information

08-28-13 Note: Deleted Charge 41-6A-518(4)(A) Sequence 5

09-09-13 Filed: Response to Defendant's Motion for Discovery

09-11-13 Filed: Motion and Order to Continue Pre Trial Conference

09-12-13 Filed order: Order Granting Continuance

Judge O LANE MCCOTTER

Signed September 12, 2013

09-12-13 PRETRIAL CONFERENCE scheduled on October 17, 2013 at 09:30 AM  
in WASATCH COURTROOM with Judge MCCOTTER.

09-12-13 Notice - NOTICE for Case 135402644 ID 8663361

PRETRIAL CONFERENCE.

Date: 10/17/2013

Time: 09:30 a.m.

Location: WASATCH COURTROOM

1361 S HWY 40

HEBER, UT 84032

Before Judge : O LANEMCCOTTER

CASE NUMBER 135402644 Traffic Court Case

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The reason for the change is Case continued  
10-16-13 Notice - NOTICE for Case 135402644 ID 8764841  
SUPPRESSION HEARING.

Date: 12/03/2013

Time: 01:00 p.m.

Location: WASATCH COURTROOM  
1361 S HWY 40

HEBER, UT 84032

Before Judge: O LANE MCCOTTER

The reason for the change is Counsel's request.

DEFENSE COUNSEL WILL FILE MEMORANDUM BEFORE SUPPRESSION HEARING.

10-16-13 PRETRIAL CONFERENCE Modified.

Reason: Counsel's request.

10-16-13 SUPPRESSION HEARING scheduled on December 03, 2013 at 01:00 PM  
in WASATCH COURTROOM with Judge MCCOTTER.

11-20-13 Note: Defendant's attorney called - he said Ca stipulated to a  
continuence. Told him to file a motion and we will  
present it to the judge.

11-22-13 Filed: Stipulated Motion to Continue Supp Hearing

11-22-13 Filed: Request to Submit for Decision

11-26-13 Filed: Request to Submit for Decision

11-26-13 Filed: Stipulated Motion & Order to Continue Suppression  
Hearing

Filed by: STIEFF, J PRESTON