



*MILLE LACS BAND OF CHIPPEWA INDIANS*  
*Judicial Branch of Tribal Government*

IN THE COURT OF CENTRAL JURISDICTION  
COURT ORDER 009

In the matter of rules for obtaining a search warrant,  
Exparte.

The following rules are hereby promulgated for obtaining  
a search warrant.

Rule No. 1

A search warrant can only be requested by the Solicitor  
General upon the recommendation of the Chief Law  
Enforcement Officer of the Mille Lacs Band of Chippewa  
Indians.

Rule No. 2

The property or things to be seized must constitute  
a crime or is evidence of the commission of a crime  
and be reasonably considered as contraband or the  
fruits of a crime or things otherwise criminally  
possessed and be designed or intended for use or  
that which has been used as a means or committing  
a crime.

Rule No. 3

The property or things to be seized shall be specifically  
identified in the warrant.

Rule No. 4

The person or premises to be searched shall be specifi-  
cally identified in the warrant.

Rule No. 5

The search warrant shall be accompanied by a sworn  
affidavit of the person who has reasonable belief  
of the location and description of the property.

Rule No. 6

The affidavit shall establish grounds for reasonable belief of the request for search warrant.

Rule No. 7

The person who signs the affidavit {affiant} shall appear before any Justice of the Court of Central Jurisdiction at the time of presentation to the Judge.

Rule No. 8

The affiant shall be sworn to oath and questioned by the Judge about the truthfulness of the contents of the affidavit.

Rule No. 9

The search warrant shall specify the time period of the day in which it will be served.

Rule No. 10

No Justice of the Court of Central Jurisdiction shall authorize any search warrant except upon probable cause to believe what is contained in the affidavit.

Rule No. 11

No Justice of the Court of Central Jurisdiction shall sign any search warrant until and unless each and every rule of this Court Order has been affirmatively responded to. Should any Justice possess even the slightest doubt on the sufficiency of any one rule, he shall refuse to authorize the search warrant.

Rule No 12

No person who has been denied a search warrant, shall approach another Justice of the Court in an attempt to secure the same search warrant based upon essentially the same beliefs contained in the original affidavit request.

Rule No. 13

No Law Enforcement Officer shall seize any property not specifically identified in the search warrant. Nor, shall any officer search in any location not specifically authorized in the search warrant.

Rule No. 14

A search warrant shall be executed and returned to the issuing Justice within two days after its date. Any warrant shall be void if not executed on the day and time contained within shall be void.

Rule No. 15

When any officer conducts a search, he must give a copy of the warrant and, when property or things are taken, a receipt specific in detail shall be given to the person whose premises or the property or things taken were found. In the absence of the person, the officer must leave a copy of the warrant and receipt in the place where the property or things were found. Delivery of a copy of the warrant shall constitute service.


Rule No. 16

Every person who shall maliciously and without probable cause obtain a search warrant, shall willfully exceed his authority or exercise it with unnecessary severity, shall be cited for contempt of court under Band Statute 1024-MLC-3, Section 31.03.

Rule No. 17

Any person who shall willfully and knowledgeably resist, hinder or interfere with an enforcement officer in service of a warrant shall be cited for contempt of court under Band Statute 1024-MLC-3, Section 31.04.

IT IS SO ORDERED

  
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Tony Weous  
Chief Justice  
Court of Central Jurisdicti

DATED AT Vineland, this  
1st day of December, 1983

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