



MILLE LACS BAND OF CHIPPEWA INDIANS
Judicial Branch of Tribal Government

IN THE COURT OF CENTRAL JURISDICTION
COURT ORDER 008

In the matter of rules governing motions and defenses
in the Court of Central Jurisdiction, *Ex parte*.

The following motionary rules shall be applicable:

Section A Pretrial Motions

1. Motions to dismiss for unreasonable delay between arrest and arraignment or of jurisdiction or conflict of interest must be presented in writing at least five {5} days prior to a preliminary hearing.
2. Motions of dismissal that can be decided without the aid of trial shall be raised before the trial and further provide that failure to raise such motions or to preserve them for argument at a later date shall constitute a waiver of these rights.
3. Pretrial motions must be written and shall include:
 - A. All motions to dismiss, particularly those challenging the sufficiency of the complaint or indictment and those raising procedural errors or prejudicial to the civil rights of the alleged offender;
 - B. Motion to suppress evidence due to unlawful searches and seizures;
 - C. Discovery motions; and
 - D. Motions demanding separate trial for multiple defendants or severance of multiple charges.

Section B Motions: Preliminary Hearing

1. Motion may be made by any party showing good cause.
2. Motion filed prior to the trial date shall be confined to those stated.
3. Motion made during trial shall be confined to those motions which arise through examination of witness, unforeseen new evidence prosecutorial indiscretion and/or judicial ruling.
4. Motions made, by either party, may ask for any legal writ {applicable} to a company, employer, or persons, for any legal document or letter that is pertinent to the trial.
5. Motions made, by either party, may ask for legal writ demanding person or persons appearance in court to give testimony.
6. Motions made, by either party may be denied as not being pertinent to the case or in violation of Band law.
7. Legal Officers may make objections to any motions made, by either side, they consider irrelevant and immaterial to the trial provided each side has prior notification of motion.
8. Motions shall be limited to the case at hand and not be such so as to constitute time consuming or unnecessary action of the court proceeding.

Section C Post-Trial Motion

1. Motion to set aside the verdict: Motion may be filed by the defendant if the defendant believes that the verdict was contrary to the law or the evidence presented at trial only in extreme cases where the court finds there was insufficient evidence to support the verdict and there was reasonable doubt as to the defendant's guilt as a matter of law.


Section D Motions - General

1. Motions which challenge the constitutionality of any Band Statute are forbidden during pretrial or preliminary or administrative, civil or criminal proceedings. Tests of constitutionality must be presented, in writing to the Chief Justice. Upon receipt of the written request, legal analysis and conclusion of law, the Chief Justice shall set a date for a hearing to determine if sufficient justification exists to certify the matter before an en banc hearing on the court. The decision of the Chief Justice to refuse to certify shall be final;
 - A. When the constitutionality of an act of the Band Assembly or Executive Officer is drawn in question, the party asserting the unconstitutionality of the act shall notify the Solicitor General thereof within such time as to afford him an opportunity to intervene.
2. Motions which request judicial interpretation of an act of the Band Assembly or Executive Officer are forbidden during any pretrial or preliminary or administrative, civil or criminal proceeding. Rules presented in Section D, No. 1 and 1fa} above shall apply.
3. Motions which invoke cultural law in unwritten law questions to any action are forbidden during any pretrial or preliminary or administrative, civil or criminal proceeding. Rules presented in Section D, No. 1 and 1fa} above shall apply.

Section E Cultural Defense

1. A defense of cultural law must be proven, in a separate hearing before it can be raised during trial. Said defense, can not be invoked in matters whereby the commission of the offense constitutes a violation against the peace and dignity of the Band as defined in written law.

IT IS SO ORDERED



Tony Weous
Chief Justice
Court of Central Jurisdiction

DATED AT Vineland This
1st day of December, 1983

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