

JUDICIARY CODE OF THE  
TUNICA-BILOXI TRIBE

Article I. Jurisdiction of the Tribal Court.

Section 1. It is the purpose of the Code of Justice enacted by the Tribal Council of the Tunica-Biloxi Tribe, a sovereign Indian Nation, to assure that prompt and efficient justice is administered by the Tribal Court created by this ordinance, and that all persons who are subject to the jurisdiction of the Tribe are guaranteed of their rights and protected by them, and that the persons and property of these individuals are fully protected.

Section 2. There is hereby created a Tribal Court, whose jurisdiction is co-terminus with the provisions of Article VII, of the Tunica-Biloxi Charter of 1974, or any analogous provisions in any subsequent organic document enacted by the Tunica-Biloxi people.

Section 3. This civil jurisdiction of the Tribal Court shall extend to all persons who enter upon the Tunica-Biloxi Indian Reservation, additions to it, and upon or within any property acquired by the Tribe by purchase or lease, any over all contracts and obligations to be executed or performed on the Reservation. in which one party is a tribal member or tribal governmental entity. The civil jurisdiction of the Tribe also attaches to any tribal member, wherever located.

Section 4. The criminal jurisdiction of the Tribal Court shall extend to all crimes committed by any member of the Tribe which are either (1) committed on the Tunica-Biloxi Indian

- A. The Tunica-Biloxi Tribal Council may remove a judge if there is reasonable cause to believe that:
1. The judge is unable, for whatever reason, to perform the duties of his/her office.
  2. The judge was convicted of a felony or a crime involving moral turpitude in any Court.
  3. The judge exhibits conduct unbecoming to a judge of the Tunica-Biloxi Tribal Court.
- B. The judge whom it is sought to remove from office shall be accorded an opportunity to appear before the Tribal Council and present evidence in his/her own defense. Thereafter, such judge may be removed from office by a two thirds vote of the Tribal Council.

Article VII. Rules of Court

The time and place of court sessions, and all other details of judicial procedure not prescribed by these ordinances, shall be laid down in rules of court approved by the Tribal Council. It shall be the duty of the Judges of the Tunica-Biloxi Tribal Court to make recommendations to the Tribal Council for the enactment or amendment of such rules of court in the interest of improved judicial procedure.

Article VIII Petition for Review

Section 1.

- A. The Petition for Review shall be in writing, shall describe the judgment or order appealed from and

Upon receipt of the Petition for Review, the Clerk of the Tribal Court shall forward the original and 8 copies to the Secretary-Treasurer of the Tribal Council, who shall place the Petition for Review on the agenda of the next regularly-scheduled Tribal Council session. The Chairman, or a majority of the Tribal Council, may set a special meeting of the Tribal Council to consider the Petition for Review. Consideration of the Petition for Review may be at an open or closed meeting of the Tribal Council, at the Council's election.

Section 4.

The Tribal Council may dismiss the Petition, or may affirm, modify or reverse the judgment of the Tribal Court. The action of the Tribal Council on the Petition for Review is final.

Article IX. Witnesses - Subpoenas

Section 1.

The Judge of the Tribal Court and any Associate Judge, and those others appointed as Judge, shall have the power to issue Subpoenas for the attendance of witnesses within the Tribal Court's jurisdiction, either on their own motion or motion of the parties to the case. The subpoenas shall bear the signature of the judge issuing them, provided all witnesses subpoenaed in behalf of the Tunica-Biloxi Tribe shall be entitled to payment of Ten Dollars per diem and such other traveling expenses as may be determined by the Court.

Section 2. Failure to Obey Subpoena

quired and paid from Tribal funds.

Article XII. Court Records

A. The Tunica-Biloxi Tribal Court shall be required to keep for inspection by the public a record of all proceedings of the Court which record shall reflect:

1. The style of the cases;
2. The names of the parties;
3. The substances of the petitions and complaints;
4. The names and addresses of all witnesses;
5. The date of the hearing or trial;
6. By whom conducted;
7. The findings of the court;
8. The judgment, together with any other facts or circumstances deemed of importance in the case, including the action taken on the Petition for Review.

B. The records of all proceedings shall be kept at the Tunica-Biloxi Community Centre, or any other place as the Tribal Council directs.

Article XIII. Copies of Laws - Interpretation

The Tunica-Biloxi Tribe shall secure copies of all Federal and State Laws and Indian Office regulations applicable to the conduct of Indians within the Reservation, which are reasonably necessary for efficient functioning of the Court, and to the extent finances allow.

shall enter an order directing that a copy thereof be forthwith certified to another judge (naming him), which judge shall then pass upon the legal sufficiency of the affidavit. If the judge against whom the affidavit is directed does not question the legal sufficiency of the affidavit, or if the judge to whom the affidavit is certified finds that it is legally sufficient, another judge must be called in to try the case or determine the matter in question. No party shall be entitled in any case to file more than one affidavit; and no such affidavit and application are made in good faith.

- C. The Tunica-Biloxi Tribal Council shall have the power to appoint additional Tribal Court judges, should a Judge be disqualified or become disabled. In cases in which the Tribe, or one of its agencies is not a party, the Tribal Council may appoint the Tribal Attorney to be Tribal Judge ad hoc.

