

BY ORDER OF THE MENOMINEE SUPREME COURT



DATE: AUGUST 13, 2014

RE: AMENDMENT TO THE RULES OF CRIMINAL PROCEDURE

Pursuant to the rulemaking authority of the Court as stated in Article V. Section 6, of the Menominee Tribal Constitution and Bylaws, the MENOMINEE SUPREME COURT HEREBY AMENDS THE CRIMINAL RULES OF PROCEDURE BY ADOPTING THE ATTACHED CRIMINAL RULE OF PROCEDURE, RULE 15 A – MOTIONS. THIS RULE SHALL BECOME EFFECTIVE THIRTY (30) DAYS AFTER POSITING.

The following rule puts into writing what has been the practice for more than sixteen years.

Rule 15 A – Motions – Prior to Trial*

(1) Motions to forfeit bail/bond : Upon violation of the conditions of bail/bond, the defendant shall be detained by the MTPD and held in the tribal jail for a period of time not to exceed seven (7) calendar days. During that period of time, the Tribal Prosecutor shall determine whether to file a motion to revoke bail/bond. Motions to revoke bail/bond shall be filed as soon as possible with supporting documentation. The motion shall be filed with the Court and served on the defendant. The defendant shall then be processed in court to find out if he/she is contesting the Motion. If the defendant is contesting, the matter shall be set for a hearing within a week's time. Witness lists with subpoenas shall be filed immediately. The defendant has the right to file a witness list and hire counsel to represent her/him at the contested motion hearing. However the defendant shall be held in jail until the hearing is held. If the defendant does not contest the motion, the matter shall immediately be heard.