

**IN THE  
HO-CHUNK NATION SUPREME COURT**

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***In Re Revocation the Ho-Chunk Nation Rules of Criminal Procedure adopted on  
June 2, 2007, and Temporary Adoption of Ho-Chunk Nation Rules of Criminal  
Procedure, 9 HCC §§ 967-72, 974, 966-77***

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**WHEREAS**, on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Nation; and

**WHEREAS**, the CONSTITUTION OF THE HO-CHUNK NATION, ART. VII, § 4, provides that the judicial power of the Ho-Chunk Nation shall be vested in the Judiciary; and

**WHEREAS**, the CONSTITUTION OF THE HO-CHUNK NATION, ART. VII, § 7(b), designates the Supreme Court of the Ho-Chunk Nation to establish written rules for the Judiciary, including qualifications to practice before the Ho-Chunk courts; and

**WHEREAS**, on May 5, 2015, the Ho-Chunk Nation Legislature enacted the Ho-Chunk Nation Criminal Code, HCC § 900, 939-951, 961 (the “new Criminal Code”), modeled from the Wisconsin Criminal Code, through Legislative Resolution 05-15-15P; and

**WHEREAS**, the Ho-Chunk Nation Supreme Court adopted Rules of Criminal Procedure on June 2, 2007, nearly eight (8) years before the new Criminal Code; and

**WHEREAS**, the Ho-Chunk Nation Department of Justice presented draft proposed Ho-Chunk Rules of Criminal Procedure, also modeled from the Wisconsin Statutes, to the Ho-Chunk Nation Supreme Court in or around August 2015 that did not reflect any Ho-Chunk tradition and custom; and

**WHEREAS**, the Ho-Chunk Nation Supreme Court initiated and remains in ongoing consultation with the Ho-Chunk Nation Traditional Court to properly restate and incorporate rules of tradition and custom critical to the administration of justice involved in criminal matters before the Ho-Chunk Nation Judiciary; and

**WHEREAS**, the Ho-Chunk Nation Department of Justice’s draft proposed Ho-Chunk Rules of Criminal Procedures included certain substantive provisions not procedural in nature; and

**WHEREAS**, the Ho-Chunk Nation Legislature placed said substantive provisions, identified as Chapters 973, 975, 978, and 979 of the Criminal Code out for the 45-day public comment period through Legislative Resolution 02-21-17S; and

**WHEREAS**, the Ho-Chunk Nation Legislature enacted Title 9, Chapters 973, 975, 978, and 979 of the Criminal Code through Legislative Resolution 05-23-17J; and

**WHEREAS**, the existing Ho-Chunk Nation Rules of Criminal Procedure enacted June 2, 2007, do not adequately correspond with the new Criminal Code; and

**WHEREAS**, the remaining provisions of the Department of Justice's proposed draft Criminal Procedures, identified as 9 HCC §§ 967-72, 974, 976-77, are procedural in nature and appropriate for temporary adoption.

**IT IS HEREBY ORDERED AND RESOLVED** that the Ho-Chunk Nation Supreme Court hereby revokes the Ho-Chunk Nation Rules of Criminal Procedure adopted on June 2, 2007, and temporarily adopts the attached *Ho-Chunk Nation Rules of Criminal Procedure*, 9 HCC §§ 967-972, 974, 976-77, effective this 3rd day of July 2017, from within the sovereign land of the Ho-Chunk Nation.

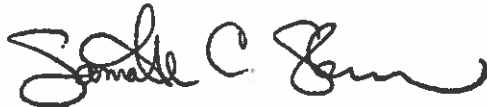
BY THE COURT,



Hon. Todd R. Matha, Wanašip  
Chief Justice



Hon. Tricia A. Zunker, Hinųk pij  
Associate Justice



Hon. Samantha C. Skenandore, Ciina'k Ma'a\mi  
Associate Justice