

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

***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, 976-77***

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, 987, 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, 987, 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, Hinuk pij
Associate Justice



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