

## Asking for help with poaching cases

Natural Resources code enforcement is asking for help in preventing the incidence of poaching on the reservation.

Recently, Oliver Kirk and Stanley Simtustus of Natural Resources came across remains from a deer that had been poached.

The remains included those from the adult female, and two unborn deer. This incident demonstrates why the tribes and other jurisdictions have hunting seasons, and why poaching is so harmful, said Kirk.

During this time of year, he said, the deer have no antlers and you cannot distinguish the males from the females. When a poacher kills a female deer out of



Corral where remains from deer poaching were recently found. Natural Resources photo.

season, the result often is the loss of multiple animals: the mother and the unborn deer.

"If you wonder why there are

fewer deer on the reservation," Kirk said, "this is one of the reasons. In poaching one deer, you take out three."

The remains that Kirk and Simtustus found recently were at the Red Lake Corral, milepost 26 on Highway 3. The incident probably happened on the morning of April 2.

If anyone has information about this or any other possible poaching case on the reservation, call Natural Resources at 541-553-2001; or the Warm Springs Police at 541-553-3272.

A person convicted of poaching can have his hunting privileges removed and be required to pay a fine.

Young hunters are encouraged to take the hunter safety course, taught by Kirk in August.

— by Dave McMechan

## 2 cases at court recently

Two defendants appeared earlier this month in U.S. District Court for separate vehicular assaults that occurred on the reservation.

Doriann L. Miller, 24, of Warm Springs, was sentenced to six months in prison for driving under the influence of intoxicants, speeding and eluding the police, crashing her vehicle, and causing the paralysis of one of her passengers.

The judge also ordered Miller to spend up to six months in a residential alcohol treatment program upon her release from the Bureau of Prisons.

On November 10, 2011, Miller pled guilty to assault resulting in serious bodily injury. According to the prosecutor's statements in court, on July 6, 2010, Miller was driving her car in Warm Springs when a Warm Springs police officer saw her commit a traffic violation.

The officer activated the overhead lights on his police vehicle to pull over Miller's car. Instead of stopping, Miller attempted to elude the police at a high rate of speed, and passed at least two other vehicles on a blind corner in the roadway.

Miller eventually lost control of her vehicle and drove off the road, where the car rolled three times and violently crashed into a tree. As a result of the crash, one of the passengers in Miller's car was paralyzed and can no longer use her legs. An

analysis of a blood draw from Miller after the crash revealed that her blood alcohol content was 0.187 percent, far in excess of the legal limit.

### Separate case

In a separate case this month, Naomi Joann Brisbois, 27, of Warm Springs, pled guilty to one count of assault resulting in substantial bodily injury to an individual under 16 years of age. Sentencing is scheduled for July 20.

According to the prosecutor's statements in court, on July 29, 2011, Brisbois was driving a minivan in a residential neighborhood in Warm Springs. Brisbois was seen speeding through the neighborhood, with the sliding doors on the van open, and with her 4-year-old daughter in the back seat. Brisbois' daughter was not restrained in a seat belt or a car seat. Witnesses who saw Brisbois driving were concerned for her daughter, so they followed her, but they lost sight of Brisbois' van as it went around a corner. The witnesses then heard a loud crash, and when they came around the corner, they saw that Brisbois had lost control of her van and crashed it into a house and some parked cars.

When the witnesses came on the scene, they found Brisbois' daughter lying awkwardly between the back seats. The child was transported to the hospital.

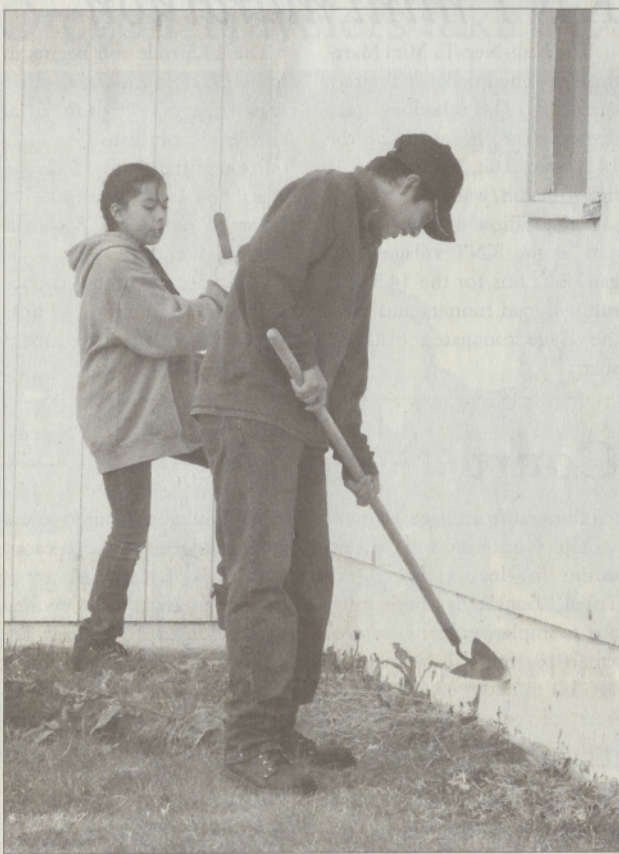
## Prison term for assault

Monty Tewee, 21, of Warm Springs, was sentenced to 18 months in prison recently for assaulting his infant son. Earlier, in November 2011, the defendant pled guilty to assault resulting in serious bodily injury.

The judge in the case also ordered the defendant to spend three years on supervised release, after he is released from the Bureau of Prisons. As conditions of supervised release, the defendant must participate in anger management counseling and parenting classes. Judge Haggerty ordered the defendant to surrender to the Bureau of Prisons on May 24, 2012.

According to the prosecutor's statements in court, late at night on March 6, 2010, Tewee assaulted his five-week old infant by squeezing the baby's rib cage with traumatic force. Tewee's assault broke 8 of the baby's ribs in 10 places and lacerated the baby's liver. The extent of the baby's injuries required him to be air lifted from St. Charles Medical Center in Bend, and to Oregon Health and Science University in Portland for specialized trauma care. The child has physically recovered from his injuries and is now under the jurisdiction of CPS.

## Longhouse Clean-Up



Last Friday was a no-school day for the 509-J School District, and a group of youth used their day off to clean up and do some yard work around the Agency Longhouse.

"We are here today to clean up our church" said Jefferson Greene.

ReVonne Johnson shared,

"We have found a lot of cigarette butts today"

Clean-up efforts continued through the weekend when the community gathered to clean up the ballfields in preparation of the upcoming games in the Little League season.

— Yvonne Iverson



Yvonne Iverson/Spilyay photos.



## Council resolution regarding Tribal Court

(Note: The following is Tribal Council Resolution number 11,376. Tribal Council adopted this resolution last year.)

**Whereas** the Tribal Council established the Warm Springs Court of Appeals pursuant to Article V, Section 1(i) and (s), which empowers the Tribal Council to establish courts to enforce the ordinances established by the Tribal Council, and to appoint subordinate boards and tribal officials, reserving the right to review any action taken by virtue of such delegated power; and

**Whereas** Article IV, Section 7 of the Tribes' Constitution and By-Laws provides that appointed boards and officers "shall report from time to time, as required, and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved"; and

**Whereas** pursuant to its power to set up courts and appoint tribal officials, the Tribal Council established the Warm Springs Reservation Tribal Court, which includes the Tribal Court and the Court of Appeals, the judges of which are appointed by and may be removed by the Tribal Council pursuant to the processes set forth in the Warm Springs Tribal Code

Chapters 200 and 203; and

**Whereas** it has become apparent to the Tribal Council that there is a general perception among the members of the Tribe's justice system as well as other members of the tribal organization and membership that the Court of Appeals is not adhering to the procedural and substantive statutes set forth in the Warm Springs Tribal Code and the Indian Civil Rights Act, which erodes the credibility and integrity of the Tribe's court system and thus the Tribe's sovereign authority and right to effectively enforce its laws; and

**Whereas** a number of reports issued over the last decade assessing the Warm Springs Tribal Court system have identified deficiencies regarding the practices of the Court of Appeals when conducting its review of the cases before it; and

**Whereas** the Court of Appeals has recently misdirected and failed to carry out the written decision and opinion of a pro tem panel of Appeals Court judges appointed by Tribal Council Resolution No. 11,155 to hear an appeal brought by a sitting judge of the Court of Appeals, which therefore disqualified the other judges of the Court of Appeals from hearing the matter as a conflict of interest; and

**Whereas** the action of the Court of Appeals in refusing to disclose and implement the decision of the pro tem panel is a direct affront to the constitutional authority of the Tribal Council, as set out above, and undermines the Tribal Council's constitutional power to govern the Tribe and its subordinate entities, including the Tribal judicial system; and

**Whereas** an effective court system, especially an effective appellate court, is essential for the operation of the Tribal government, the maintenance of law and order on the reservation, economic development on the reservation, and the integrity of the Tribe's sovereignty; and

**Whereas** the Tribal Law and Order Act of 2010 requires the Tribe to employ judges that (1) are licensed to practice law, and (2) have sufficient legal training to preside over criminal proceedings if the Tribe decides to implement the enhanced sentencing provisions contained in the Act; now, therefore

**Be it resolved** by the Twenty-Fifth Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(i), (s) and (u), of the Tribal Constitution and Article IV, Section 7 of the Tribal Con-

stitution and By-Laws, that the Tribal Council directs the following actions:

1. The Tribal Council directs the tribal attorneys Karnopp Petersen to engage a qualified consultant to conduct an inquiry into the systemic problems within the Court of Appeals as identified by prior studies of the Tribal Justice System, including the current structure and composition of the Court as set forth in Warm Springs Tribal Code Chapter 203;

2. The Tribal Council directs the tribal attorneys to instruct the consultant to provide a written report to the Tribal Council... to recommend proposed changes to the Court of Appeals aimed at alleviating these systemic problems. Such recommendations may include, but are not limited to, a change in the structure and composition of the Court and the required qualifications for Appeals Court judges, or, if the consultant deems the current structure and composition of the Court under Warm Springs Tribal Code Chapter 203 adequate, recommendations for removal and/or recruitment of some or all of the Court of Appeals judges after conducting an examination of the qualifications, suitability and performance of the current Court of Appeals judges.

## Invitation

The Confederated Tribes of Warm Springs is extending an invitation to attend the Twenty-Second Honor Seniors Day on May 11 at the Agency Longhouse. For information, contact the Senior Citizens Dept., PO Box C,

Warm Springs, OR 97761. You can also call the office at 541-553-3313, or 553-3520, or 553-3390.

Lodging available at Kah-Nee-Ta, 1-800-554-4786. Senior staff email: [paiutewewa@yahoo.com](mailto:paiutewewa@yahoo.com)

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