

DEC 14 2009

BY:  CLERK



IN THE LUMMI TRIBAL COURT
FOR THE LUMMI NATION

LUMMI NATION,
Plaintiff,
vs.
CLIFTON L. NOLAND,
Defendant
DOB: 5/20/1978

Case No.: 2009 CVEX 1735

INTERIM EXCLUSION ORDER

Pursuant to LCL 12.03.030(g), and the Default Order entered this date,

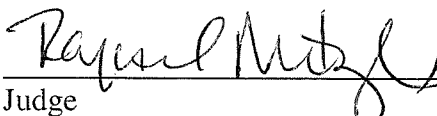
IT IS HEREBY ORDERED that:

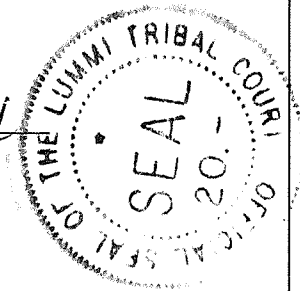
1) The defendant is excluded from entering within the exterior boundaries of the Lummi Reservation, from being employed by the Lummi Indian Business Council or any of its agencies or businesses, from entering into a contract to provide services to the Lummi Indian Business Council or any of its agencies or businesses, and from participating in the Tribe's natural resources Treaty rights.

2) This order shall remain in place until entry of a final order, after a Exclusion Hearing Community Panel is convened and makes its determinations pursuant to LCL 12.03.040(b) and (c), and LCL 12.03.060(b).

3) The conditions for re-entry, as required in LCL 12.03.040(b), attached and incorporated into this order as "Addendum to Interim Exclusion Order," shall apply until such additional conditions, if any, are set by the Exclusion Hearing Community Panel.

SO ORDERED, this 2 day of DEC., 2009


Judge
Lummi Tribal Court



INTERIM ORDER OF DEFAULT

Lummi Tribal Court
Lummi Nation
2616 Kwina Road
Bellingham, WA 98226
(360) 384-2208

ADDENDUM TO INTERIM EXCLUSION ORDER

The conditions for re-entry in Lummi Code of Laws, 12.03.040(b) are as follows:

An Order of Exclusion shall contain provisions allowing the excluded person, upon fulfillment of the conditions set by the Exclusion Hearing Community Panel and set under this section, to petition the court under LCL 12.03.050(b) – (d) to lift the order of exclusion, in whole or in part, to allow reentry to the Reservation. The conditions shall be relevant to the rehabilitation of the person so that they may no longer be a threat to the health, safety, or welfare of the Lummi Nation. At a minimum, the conditions must include that at the time of readmission, the person has

- (1) committed no criminal law violation for which the maximum criminal penalty could be more than 90 days in jail, or which is a violent offense, for the most recent five years; time that the excluded person is incarcerated will not count towards the five years, except that incarceration may be counted during the first two years of the five years if during that time the person participates in all appropriate treatment programs available at the facility and has committed no violations of the prison rules;
- (2) successfully completed any conditions of probation imposed by any jurisdiction and been discharged from the criminal justice system;
- (3) for persons for whom substance abuse was a factor in the conduct that lead to exclusion, obtained a substance abuse evaluation from an accredited treatment provider within the prior three years, complied with the recommendations, and been able to document being clean and sober for the immediately previous two years through random supervised drug testing;
- (4) for sex offenders, has obtained a sexual deviancy evaluation from an accredited treatment provider and has been complying with treatment recommendations for at least three years, and
 - a. has successfully completed treatment, or
 - b. the treatment provider submits a statement that the person is currently in treatment but is no longer at substantial risk of committing a new sexual offense;and;
- (5) obtained other evaluations and treatment as determined by the Exclusion Hearing Community Panel that would address contributing factors that led to the offenses that caused the exclusion.

INTERIM ORDER OF DEFAULT

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