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FILED  
LUMMI TRIBAL COURT  
LUMMI NATION

JAN 19 2015



IN THE LUMMI TRIBAL COURT  
FOR THE LUMMI NATION

BY: [Signature] CLERK

LUMMI NATION,  
Petitioner,  
vs.

Case No.: 2011 CVEX 2784

GEORGE R. PACHECO,  
DOB: 11/1/1993,  
Respondent.

**ORDER OF EXCLUSION**

THIS MATTER having come before the undersigned judge, and the court being fully advised in the premises, and after taking into consideration the minimum requirements of Title 12 of the Lummi Code of Laws, and based on the agreement of the parties, the court enters the following:

IT IS HEREBY ORDERED that the Respondent is excluded from all areas within the exterior boundaries of the Lummi Reservation.

IT IS FURTHER ORDERED that the Respondent may apply to the court for readmission if he demonstrates to the court at that time that:

1) he has committed no criminal offense or juvenile adjudication for which the maximum penalty could be more than 90 days in jail, or which is a violent offense, for the five years immediately prior to readmission; time that the Respondent is incarcerated will not count towards the five years, except that two years of incarceration may count towards the five years if the person participates in all appropriate treatment programs available at the facility and has committed no violations of the prison rules during that time. For purposes of this order, the date of the criminal offense or juvenile adjudication is defined by the date of violation, not the date of conviction;

2) he has successfully completed any conditions of probation imposed by any jurisdiction and has been discharged from the criminal justice system; and

3) he has had a substance abuse evaluation and complied with all treatment recommendations within the prior three years, and has been clean and sober for the two years immediately prior to readmission, as documented by random supervised substance abuse testing conducted by a laboratory certified to conduct such testing. The costs of any such testing shall be the responsibility of the Respondent.

4) he has obtained an anger management evaluation and complied with all treatment requirements;

IT IS FURTHER ORDERED that all costs associated with meeting the conditions of readmission shall be the Respondent's responsibility.

IT IS FURTHER ORDERED that, as part of petitioning the Court for readmission, the Respondent must execute releases of information allowing the Lummi Nation to obtain records and consult with the Respondent's

1) probation officers as to the Respondent's compliance with terms of probation or a deferred prosecution;

2) treatment providers as to the substance abuse and anger management assessments conducted, nature of the treatment provided, compliance with treatment recommendations, and discharge documentation; and

3) drug and alcohol testers as to the nature of random testing provided, substances for which the samples are being tested, and the results of that testing, including: positive results, failures to appear for testing, refusal to submit to testing, attempts to submit false samples, and results showing dilute.

IT IS FURTHER ORDERED that if the Respondent is readmitted to the reservation, he will be placed on a contingent order of exclusion for five years during which the time the Respondent:

1) Must report to the Lummi Probation Office at least once a month or more frequently as directed by the probation officer;

2) May not commit any criminal law violation for which the maximum criminal penalty could be more than 90 days in jail, or which is a violent offense;

2) May not be knowingly present where drugs are being illegally sold or used;

3) Must be employed or otherwise constructively occupying the person's time;

4) Must abstain from alcohol and non-prescribed drugs; must submit to a random urine analysis and portable breath tests on a schedule determined by the probation officer; and must submit to a portable breath test by a police officer who has reasonable basis to believe Respondent has consumed alcohol; and

5) Must perform 100 hours of Community Work Service a year.

If Court determines by the preponderance of the evidence that the Respondent failed to comply with the conditions of the contingent order of exclusion, he will again be excluded from all areas within the exterior boundaries of the Lummi Reservation.

**VIOLATION OF THIS ORDER OR AIDING THE RESPONDENT TO VIOLATE THIS ORDER, IS A CRIMINAL OFFENSE UNDER THE LUMMI CODE OF LAWS CHAPTER 5.07.075 AND WILL SUBJECT THE VIOLATOR TO ARREST AND A CRIMINAL PENALTY.**

Notice: To the Chief of Lummi Police:

YOU ARE HEREBY DIRECTED to maintain a record of this Order and its provisions. YOU ARE FURTHER DIRECTED TO ARREST AND DETAIN THE RESPONDENT if the Respondent violates the terms of this Order.

Dated this 19<sup>th</sup> day of January, 2015

Mary Carole  
Judge, Lummi Tribal Court

PRESENTED BY:

[Signature]  
Tribal Prosecutor

ACKNOWLEDGED IN OPEN COURT BY:

[Signature]  
Respondent

