

JAN 10 2006

BY: [Signature] CLERK

LUMMI TRIBAL COURT
LUMMI NATION

LUMMI NATION,

Plaintiff,

vs.

WILFORD STURGEON,

Defendant

DOB: 12/18/1968

Case No.: 2005 CRDV 00763

ORDER OF EXCLUSION

THIS MATTER having come before the undersigned judge on the agreement of the parties, and the court being fully advised in the premises, now

HEREBY ORDERS pursuant to LCL 5.11.100 and 12.03.040 that the defendant is excluded from the Lummi Reservation for a MINIMUM PERIOD OF FOUR YEARS FROM THE DATE OF THIS ORDER UNTIL FURTHER ORDER OF THE COURT. The defendant may apply to the court for readmission after that period of time, and will be readmitted if he demonstrates to the court at that time that:

- 1) he has committed no criminal offenses for the four years immediately prior to readmission;
- 2) he has had a substance abuse evaluation within the prior two years, has complied with any recommendations, and can document sobriety for the one year immediately prior to readmission through random supervised testing;
- 3) he has received a mental health evaluation within the prior two years, has complied with any recommendations, and he is taking any medication on the prescribed schedule; and
- 4) he has received a batterer's evaluation and has complied with any treatment recommendations.

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

- 1) probation officers as to the defendant's compliance with terms of probation or a deferred prosecution;
- 2) treatment providers for substance abuse, mental health, and batterer's treatment as to the assessments conducted, nature of the treatment provided, compliance with treatment recommendations, and discharge documentation; and
- 3) substance 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 upon readmission to the reservation, the defendant will be placed for five years on a contingent order of exclusion allowing him reentry on the reservation as long as he complies with the following requirements:

- 1) Must report at least one time a month to the Lummi Probation Office, or more frequently as directed by the probation officer;
- 2) May not commit any criminal law violations;
- 2) May not be knowingly present where drugs are being illegally sold or used;
- 3) Must be employed, actively seeking employment, performing full-time child-care, attending school, participating in vocational training, or in residential treatment;

Order Prohibiting Contact

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

4 5) Must comply with mental health provider's treatment plan, including taking any medication on
5 the prescribed schedule.

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

9 **VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER THE LUMMI CODE OF LAWS ,**
10 **CHAPTER 5.07.075 AND WILL SUBJECT THE VIOLATOR TO ARREST AND A CRIMINAL PENALTY**
11 **NOT TO EXCEED ONE YEAR IN JAIL AND A \$5,000 FINE.**

12 Notice: To the Chief of Lummi Police:

13 YOU ARE HEREBY DIRECTED to maintain a record of this Order and its provisions. YOU ARE
14 FURTHER DIRECTED TO ARREST AND DETAIN THE DEFENDANT if the defendant violates the terms of this
15 Order

16 Dated this 10 day of JANUARY, 2006.

17 [Signature]
18 Judge, Lummi Tribal Court

19 Presented by:

20 Acknowledged:

21 [Signature]
22 Tribal Prosecutor

23 [Signature]
24 Defendant

25 1-10-06
Dated

DESCRIPTION OF THE DEFENDANT:

Sex: M

DOB: 12/18/1968

Height: 6'3"

Weight: 285

Hair: Brown

Eyes: Brown

Other identity data: fingerprints