

NOV 24 2014

IN THE LUMMI TRIBAL COURT
FOR THE LUMMI NATION

BY

CLERK

LUMMI NATION,

Petitioner,

Case No.: 2009 CVEX 1646

vs.

DAVID TEEL,

Respondent.

ORDER OF EXCLUSION

DOB: 2/2/1962

THIS MATTER having come before the undersigned judge on September, 10, 2009, and the court being fully advised in the premises, and after taking into consideration recommendations from an assigned Exclusion Hearing Community Panel, 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 (s)he demonstrate to the court at that time that:

1) he has committed no criminal offense for which the maximum criminal 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, a criminal offense 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.

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 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.

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

3 1) Must report at least one time a month to the Lummi Probation Office, or more frequently as
4 directed by the probation officer;

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

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

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

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

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

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

16 *6) This order shall only include probation violations after 11-24-2014.*
17 **VIOLATION OF THIS ORDER OR AIDING THE RESPONDENT TO VIOLATE THIS ORDER,**
18 **IS A CRIMINAL OFFENSE UNDER THE LUMMI CODE OF LAWS CHAPTER 5.07.075 AND**
19 **WILL SUBJECT THE VIOLATOR TO ARREST AND A CRIMINAL PENALTY.**

20 *(7) Respondent shall stay in compliance with all current*
21 Notice: To the Chief of Lummi Police: *conditions of pre-trial release.*

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

24 *This order shall go into effect Dec. 4, 2014.*

25 Dated this 24 day of Nov, 2014

Judge, Lummi Tribal Court

PRESENTED BY:

[Signature]
Tribal Prosecutor

ACKNOWLEDGED IN OPEN COURT BY:

[Signature]
Respondent

