



IN THE LUMMI TRIBAL COURT
FOR THE LUMMI NATION

FILED
LUMMI TRIBAL COURT
LUMMI NATION

JAN 29 2007

BY WNO CLERK

LUMMI NATION,
Plaintiff,
vs.
JESUS YZAGUIRRE, JR.
Defendant
DOB: 11/29/1971

Case No.: 2005 CVEX 0607

ORDER OF EXCLUSION

THIS MATTER having come before the undersigned judge, and the court being fully advised in the premises, the court enters the following:

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

IT IS FURTHER ORDERED that the defendant may apply to the court for readmission if (s)he demonstrate to the court at that time that:

- 1) (s)he has committed no criminal offenses for the five years immediately prior to readmission;
- 2) (s)he has successfully completed any conditions of probation imposed by any jurisdiction and has been discharged from the criminal justice system; and
- 3) (s)he has had a substance abuse evaluation within the prior two years, has complied with any recommendations, 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 defendant.

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

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 defendant's

- 1) probation officers as to the defendant'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.

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

- 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;

EXCLUSION ORDER

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

1 3) Must be employed, actively seeking employment, performing full-time child-care, attending
2 school, participating in vocational training;

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

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

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

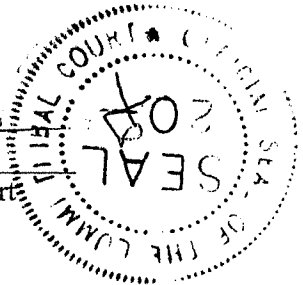
10 **VIOLATION OF THIS ORDER, OR AIDING THE DEFENDANT TO VIOLATE OF THIS ORDER, IS A**
11 **CRIMINAL OFFENSE UNDER THE LUMMI CODE OF LAWS , CHAPTER 5.07.075 AND WILL**
12 **SUBJECT THE VIOLATOR TO ARREST AND A CRIMINAL PENALTY.**

13 Notice: To the Chief of Lummi Police:

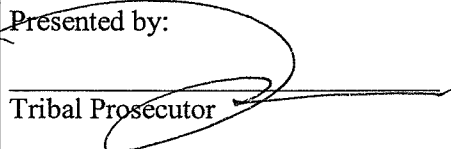
14 YOU ARE HEREBY DIRECTED to maintain a record of this Order and its provisions. YOU ARE
15 FURTHER DIRECTED TO ARREST AND DETAIN THE DEFENDANT if the defendant violates the terms of this
16 Order

17 Dated this 26 day of July, 2007

18 
19 Judge, Lummi Tribal Court



20 Presented by:

21 
22 Tribal Prosecutor

23 DESCRIPTION OF THE DEFENDANT:

24 Sex: M DOB: 11/29/1971 SSN: DLN:
25 Height: Weight: Hair: Eyes:
Other identity data: