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*Chairman Boyd Gourneau
Vice Chairman Darrell Middletent
Secretary/Treasurer Orville Langdeau Jr.*

*Tribal Council Member John McCauley
Tribal Council Member Donnie Moore
Tribal Council Member Clyde Estes*

Lower Brule Sioux Tribal Council Meeting - September 19, 2018

RESOLUTION NO. 2018-234

***APPROVE RESOLUTION CONCERNING EXPUNGMENT OR PARDON
PROCESS***

WHEREAS, the Lower Brule Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, as empowered by the Constitution and Bylaws, Article VI, Section 1, (e) the Tribal Council as authorized by law to safeguard and promote the peace, safety, morals, and general welfare of the Lower Brule Sioux Tribe and to regulate and conduct of trade and the use and disposition of property upon the reservation provided that any ordinance directly affecting nonmembers of the reservation shall be subject to review by the Secretary of the Interior; and

WHEREAS, the Lower Brule Sioux Tribe, since time immemorial has exercised the sovereign rights of self-government on behalf of the Lower Brule people; and

WHEREAS, the Lower Brule Sioux Tribal Council recognizes the idea and purposes of an expungement and/or a pardon to show clemency; and

WHEREAS, the Lower Brule Sioux Tribal Council recognizes the appropriate function of the tribe to grant such clemency is through the Lower Brule Sioux Tribal Court System; and

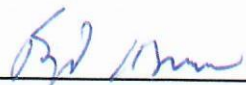
NOW THEREFORE BE RESOLVED, that the Lower Brule Sioux Tribe does hereby declare that the Lower Brule Sioux Tribal Court System shall create a formal process for the Lower Brule Sioux Tribal Court System to grant such an expungement or pardon; and

BE IT FURTHER RESOLVED, that the Lower Brule Sioux Tribe hereby declares that any such processes or procedures created shall be reviewed and adopted by the Lower Brule Sioux Tribal Council; and

BE IT FURTHER RESOLVED, that the Lower Brule Sioux Tribe hereby declares that any such process will include the requirement that any expungement or pardon of any arrest or conviction cannot be granted without due process, a hearing and proof of personal service upon the Lower Brule Sioux Tribal Prosecutor and any potential victim to the arrest or conviction as well as notice to the Lower Brule Sioux Tribal Council.


CERTIFICATION

The foregoing resolution was duly adopted by the Lower Brule Sioux Tribal Council assembled in Regular Session with a quorum present on the 28th day of September, 2018 by the affirmative vote of four members for, none against, none absent, and one not-voting.



Boyd Gourneau, Chairman
Lower Brule Sioux Tribe

ATTEST:



**Orville Langdeau Jr. Secretary/Treasurer
Lower Brule Sioux Tribe**