

THE WIND RIVER TRIBAL COURT

Eastern Shoshone & Northern Arapaho Tribes
Wind River Reservation
Fort Washakie, Wyoming



RULE OF COURT 19-0002

Rule 4-16-17 of the Rules of Criminal Procedure of the Shoshone and Arapaho Law and Order Code (SALOC) authorizes the Chief Judge to promulgate rules governing criminal procedure. Pursuant to this authority the Court hereby establishes the following rule of court as pertaining to sentencing of a criminal offense:

“Sentencing”

As stated in SALOC Section 6-6-1 (1) *In all cases in which as defendant is convicted of a criminal offense, by jury or court, sentence may be imposed as provided in the offense, and where both confinement or imprisonment and fines are allowed, a sentence can consist of both. No confinement or imprisonment for a single offense shall exceed one (1) year and no fine shall exceed \$5,000,*

In Section 6-6-1 (2) *“Days Payable” means that the sentence can be paid at a rate of \$4.00 per day instead of time served.*

The sentencing regarding “Days Payable” is a pay or serve sentence. For example if the Defendant was sentenced to 180 days payable he/she will serve 180 days or pay a fine of \$720 before release; unless extenuating circumstances exist or a prior deal between prosecution and defense and agreed upon by The Court is met for a Temporary Release “TR”.

In Section 6-6-1 (3) *“Days in jail”, “Imprisonment” or “Flat” shall be presumed in any instance where an offense sets forth a sentence of imprisonment, confinement, or detention without reference to the term “payable” and shall mean that defendant cannot pay the sentence, but must serve the specified number in jail.*

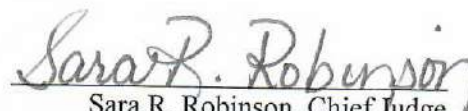
The sentencing regarding “Days in jail, Imprisonment or Flat time” shall be served day for day. This is not a payable option and the Defendant may not receive a “TR.” Flat time is flat time, not open any other interpretation or alternative sentencing.

There will be mandatory rule regarding the offense of Driving While Under the Influence (8-3-9) as it applies to the jail term. With the sentenced time to be served as flat time.; with credit given for any days between the time of arrest and arraignment. The flat time is to be served day for day. The defendant will not be allowed trustee status for their imposed sentence for the offense of 8-3-9.

The implementation of this rule is to remind individuals that The Wind River Tribal Court holds the community’s safety in the highest regard and utmost importance and that unlawful behavior will not be tolerated.

The Court finds the establishment of this rule to be reasonable and appropriate under Section 6-6-1 and hereby formally adopts the Rule and shall make it available to the public for copy and inspection.

DATED THIS 26TH DAY OF AUGUST, 2019.


Sara R. Robinson, Chief Judge
Wind River Tribal Court