

IN THE PASCUA YAQUI COURT OF APPEALS

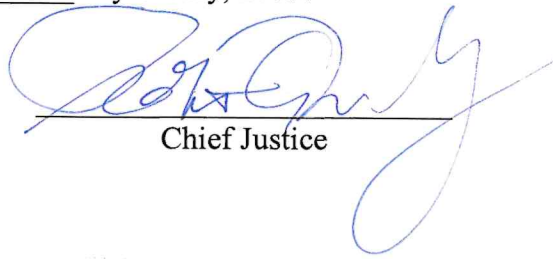
_____	)	Case No.: No. CA-03-006
PASCUA YAQUI TRIBE,	)	
Plaintiff/Appellee	)	
v.	)	ORDER
JOSE DELEON,	)	
Defendant/Appellant	)	
_____	)	

Jacinta Figueroa, Chief Public Defender, Pascua Yaqui Public Defender Office, Tucson, Arizona, for the Appellant.

Upon review of the record, this Court finds as follows: 1) The defendant was convicted of the crimes of Domestic Violence Aggravated Assault, 1 PYTC Sec. 11-1101(G)(4), and Domestic Violence Aggravated Assault, 1 PYTC Sec. 11-1101(G)(3), on June 19, 2003; 2) On June 26, 2003, the Appellant requested a trial de novo before this Court; and 3) As of today, no further proceedings have taken place, including the timely scheduling of the trial de novo, which infringes the Appellant's right to a speedy trial guaranteed by the Pascua Yaqui Tribe Constitution, Article 1, Section 1, Clause f.

Accordingly, the Appellant's convictions of the crimes of Domestic Violence Aggravated Assault, 1 PYTC Sec. 11-1101(G)(4), and Domestic Violence Aggravated Assault, 1 PYTC Sec. 11-1101(G)(3), are reversed and the charges dismissed.

So ORDERED this 17 day of July, 2005.



Chief Justice

1 PASCUA YAQUI PUBLIC DEFENDER  
2 7474 S. Camino de Oeste  
3 Tucson, Arizona 85746

3 Jacinta Figueroa, SBN 016487  
4 COUNSEL FOR: Defendant

PASCUA YAQUI TRIBAL COURT  
FILED DATE AND TIME

03 JUN 26 PM 4:38

DOCKET NO. CA-03-006

CLERK 

5 IN THE APPELLATE COURT OF THE YAQUI NATION  
6 IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

7 DELEON, JOSE )

8 Appellant, )

9 vs. )

10 PASCUA YAQUI TRIBE, )

11 Appellee. )

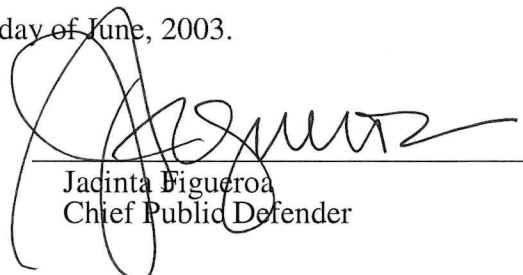
Case No: CA: /CR 03-088

DEFENDANT'S REQUEST FOR TRIAL DE  
NOVO BY COURT OF APPEALS

12 Appellant, by and through counsel undersigned, and pursuant to Article VIII, Sec. 5 of  
13 the Constitution of the Pascua Yaqui Tribe, and 1 PYTC Sec. 1.24, hereby requests a *trial de*  
14 *novo* from the Court of Appeals for the offenses of Domestic Violence Aggravated Assault in  
15 violation of 1 PYTC Sec. 11-1101(G)(4), and Domestic Violence Aggravated Assault in  
16 violation of 1 PYTC Sec. 11-1101(G)(3) in the matter of CR 03-088, in which the trial court  
17 issued an order dated June 19, 2003, finding the Defendant guilty of Count 1: Domestic Violence  
18 Aggravated Assault in violation of 1 PYTC Sec. 11-1101(G)(4), and Count 2: Domestic  
19 Violence Aggravated Assault in violation of 1 PYTC Sec. 11-1101(G)(3).

20 In order to preserve the right of Appeal, the Appellant will file within 10 days a Notice of  
21 Appeal in this matter. However, Appellant reserves the filing of Appellant's Brief until after the  
22 pre-hearing conference mandated in Sec. 1.24, on the ground that briefs by the parties would  
23 prejudice the issues in a trial de novo.

24 RESPECTFULLY submitted this 26<sup>th</sup> day of June, 2003.

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27   
28 Jacinta Figueroa  
Chief Public Defender

1 ORIGINAL of the foregoing delivered this date to  
2 Pascua Yaqui Tribal Court.

3 COPY of the foregoing delivered this date to  
4 Prosecutor's Office by:  
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