

No. CA-05-002  
Pascua Yaqui Tribe Court of Appeals

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Pascua Yaqui Tribe, Plaintiff/Appellee,

v.

Samuel Baltazar, Defendant/Appellant.

ORDER

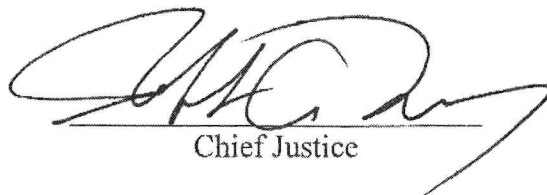
Appeal from a decision of the Pascua Yaqui Tribal Court, Case No. CR-04-195, the Honorable Melvin Stoof presiding.

Sandra L. Aguirre, Lay Advocate, Tucson, Arizona, for the Defendant/Appellant.

Micah Schmidt, Esq., Chief Prosecutor, Pascua Yaqui Tribe Office of the Prosecutor, Tucson, Arizona, for the Tribe/Appellee.

The Chief Justice reviewed this case and finds that on January 13, 2005 both a notice of appeal and a request for trial de novo were filed. Based on the issues, the Chief Justice finds that this case can be decided faster and judicial economy better served by handling it as an appeal and not as a request for trial de novo.

Accordingly, it is ORDERED as follows: 1) The Clerk of the Court of Appeals shall prepare a transcript of the trial court proceedings and serve a copy on the Defendant/Appellant's counsel and the Pascua Yaqui Tribe Prosecutor's Office; 2) The Defendant/Appellant shall file his opening brief within 20 days after service of the transcript; 3) The prosecutor's office shall file its response brief within 20 days of service of the Defendant/Appellant's opening brief; 4) The Defendant/Appellant shall file a reply brief within 15 days of service of the prosecutor's response brief; and 5) Upon service of the reply brief, the Court of Appeals will review the case for either oral argument or decision on the record. So ORDERED this 21<sup>st</sup> day of June, 2007.

  
Chief Justice

FILED 1/13/05 TO  
NO. ~~CA005-102~~ DOCKETED  
AT 5:00 O'CLOCK P.M.  
CLERK

1 Sandra L. Aguirre  
2 2255 W. Orange Grove #19-205  
3 Tucson, Arizona 85741

4 Lay Advocate

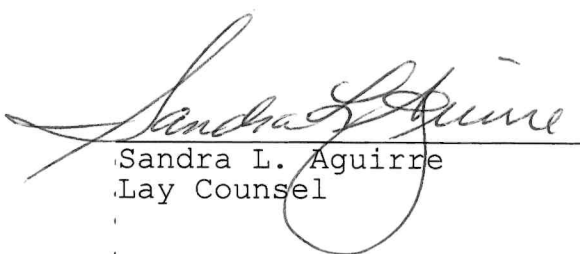
5 IN THE APPELLATE COURT OF THE YAQUI NATION  
6 IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

8 BALTAZAR, Samuel )  
9 Appellant, )  
10 vs. )  
11 PASCUA YAQUI TRIBE )  
12 Appellee )

) Case No.: CR 04- 195  
)  
) DEFEDANT'S REQUEST FOR TRIAL DE  
) NOVO BY THE COURT OF APPEALS

13  
14 Appellant, by and through Lay Counsel undersigned, and pursuant  
15 to Article VIII, Sec. 5 of the Constitution of the Pascua Yaqui  
16 Tribe, and 1 PYTC Sec. 1.24, hereby request a Trial DE Novo by the  
17 Court Of Appeals

18 Dated this 8th day of January 13, 2005

19  
20  
21   
22 Sandra L. Aguirre  
23 Lay Counsel

1.13.05  
NO. 02-05-002 DOCKETED  
AT 5:00 PLOCH  
CLERK

1 Sandra L. Aguirre  
2 2255 W. Orange Grove #19-205  
3 Tucson, Arizona 85741

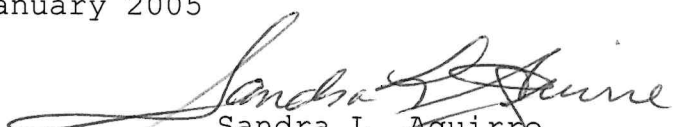
4 Lay Advocate

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

8 BALTAZAR, Samuel )  
9 Appellant, ) Case No.: CR 04- 195  
10 vs. ) NOTICE OF APPEAL  
11 PASCUA YAQUI TRIBE )  
12 Appellee )

13  
14 COMES NOW the above named Appellant, by and through Lay Counsel  
15 undersigned, and hereby times files a Notice of Appeal to the  
16 Appellate Court from the judgment entered in the action by the Pascua  
17 Yaqui Tribal Court on January 3<sup>rd</sup>, 2005, finding the Appellant guilty  
18 based on Circumstantial evidence of willful "Battery". The Appellant  
19 contends that the Court's finding is erroneous and not supported by  
20 the evidence presented at trial. The appellant also contends that the  
21 trial court err as a matter of law when it found that the Appellant  
22 acted willfully, an essential element of the offense, where the  
23 evidence showed that the Appellant suffers from a mental disorder.

24  
25 Dated this 13<sup>th</sup> day of January 2005

26  
27   
28 Sandra L. Aguirre  
Lay Counsel