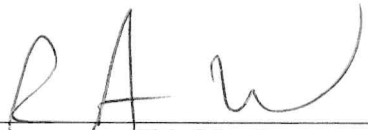


later than twenty (20) days after the judgment convicting the defendant is signed by the trial court judge"; thus, the Defendant/Appellant should have filed the petition with the appellate court clerk no later than September 5, 2006.

4), The Defendant/Appellant's Petition for Trial De Novo is not timely; therefore, the Court of Appeals lacks jurisdiction over the petition.

Accordingly, the Petition for Trial De Novo is dismissed with prejudice for lack of jurisdiction and the accompanying Motion for stay of conviction and a scheduled sentencing hearing is denied.

So ORDERED this 28 day of November, 2006.



Chief Justice

1 **HENTOFF LAW OFFICE**
2 25560 w. Highway 85, Suite #26
3 Buckeye, Arizona 85345
4 Tel: (602) 257-1776
5 Fax: (602) 391-2263
6 Email: henetofflaw@gmail.com

7 **WWW.HENTOFFLAW.COM**

8 **Nicholas S. Hentoff, SB#012492**
9 Attorney for Defendant

10 **IN THE PASCUA YAQUI TRIBE COURT OF APPEALS**
11 **IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION**

12
13 PASCUA YAQUI TRIBE,
14 Plaintiff/Appellee,

15
16 vs.

17
18 PAUL LORENZO ALVAREZ,
19 Defendant/Appellant.

06 SEP 14 PM 2:17
CASE NO. CA-06-
AC

) Appellate Case No: CA-06-

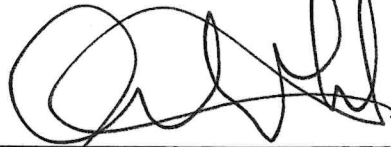
) Tribal Court No.: CR-06-080

) **MOTION TO STAY**

20
21 Pursuant to Rule 23(A) of the Pascua Yaqui Tribe Rules of Appellate Procedure,
22 Defendant, Paul Lorenzo Alvarez, by and through counsel undersigned, hereby moves to stay
23 the conviction ordered on August 16, 2006 and to stay the Sentencing Hearing currently set for
24 Monday, September 11, 2006 at 10:00 A.M. Mr. Alvarez has filed with the Pascua Yaqui
25 Appellate Court a Petition for Trial de Novo and therefore requests that the conviction and
26 sentencing hearing be stayed pending resolution in the Pascua Yaqui Appellate Court.
27
28

1 RESPECTFULLY SUBMITTED this 8th day of September, 2006.
2
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4 HENTOFF LAW OFFICE

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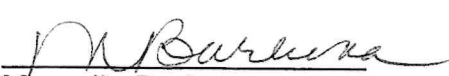
7 Nicholas S. Hentoff
8 Attorney for Defendant
9

10
11
12
13 **ORIGINAL** of the foregoing mailed/faxed
14 this 8th day of September, 2006 to:

15 Pascua Yaqui Tribal Court
16 7474 South Camino de Oeste
17 Tucson, AZ 85757
18 Fax: (520)879-6277

19 **COPY** of the foregoing mailed/faxed
20 this 8th day of September, 2006 to:

21 Micah Schmit, Chief Prosecutor
22 Office of the Prosecutor of the Pascua Yaqui Tribe
23 7474 South Camino de Oeste
24 Tucson, AZ 85757
25 Fax: (520) 879-6260

26 
27 Marcella Barbosa
28

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8 **Nicholas S. Hentoff, SB#012492**
9 Attorney for Defendant/Appellant

10 **IN THE PASCUA YAQUI TRIBE COURT OF APPEALS**
11 **IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION**

12 PASCUA YAQUI TRIBE,
13 Plaintiff/Appellee,
14 vs.
15 PAUL LORENZO ALVAREZ,
16 Defendant/Appellant.

Appellate Case No: CA-06-
Tribal Court No.: CR-06-080
PETITION FOR TRIAL DE NOVO

17
18 Pursuant to Article VIII, § 5 of the Constitution of the Pascua Yaqui Tribe and Rule
19 27(A), Pascua Yaqui Tribe Rules of Appellate Procedure, counsel for the above named
20 Appellant, Paul Lorenzo Alvarez, respectfully files his Petition for Trial de Novo. Mr. Alvarez
21 was convicted on August 16, 2006 to Count One, Aggravated Assault, Count Two, Homicide,
22 Count Three, Aggravated Assault, Count Four, Aggravated Assault, Count Six, Endangerment,
23 Count Eight, Discharge of a Firearm, County Nine, Discharge of a Firearm, Count Eleven,
24 Disorderly Conduct, and Count Twelve, Disorderly Conduct. A copy of the Court's Order is
25 attached hereto.

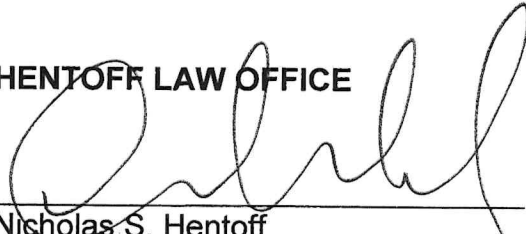
26 Counsel for Mr. Paul Lorenzo Alvarez is:

27 Mr. Nicholas S. Hentoff
28 HENTOFF LAW OFFICE
25560 W. Highway 85, Suite #26
Buckeye, Arizona 85326

1
2 Mr. Alvarez further requests, pursuant to the Indian Civil Rights Acts, 25 U.S.C.A.
3 §1302(10), a trial by jury.

4
5 DATED this 8th day of September, 2006.

6
7 **HENTOFF LAW OFFICE**

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9 
10 _____
11 Nicholas S. Hentoff
12 Attorney for Defendant/Appellant
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28 //

1 **CERTIFICATE OF SERVICE**

2
3 I hereby certify that the original and five (5) copies of the Petition for Trial de Novo were
4 delivered Priority U.S. Mail and that one copy was delivered via facsimile to:

5 Clerk of the Court of Appeals
6 Pascua Yaqui Court of Appeals
7 7474 South Camino de Oeste
8 Tucson, AZ 85757
9 Fax: (520)879-6277

10 and that one copy of the Petition for Trial de Novo was delivered via facsimile and by Priority
11 U.S. Mail to:

12 Pascua Yaqui Tribal Court
13 7474 South Camino de Oeste
14 Tucson, AZ 85757
15 Fax: (520)879-6277

16 and that one copy of the Petition for Trial de Novo was delivered via facsimile and by Priority
17 U.S. Mail to:

18 Micah Schmit
19 Chief Prosecutor
20 Office of the Prosecutor of the Pascua Yaqui Tribe
21 7474 South Camino de Oeste
22 Tucson, AZ 85757
23 Fax: (520) 879-6260

24 DATED this 8th day of September, 2006.

25 **HENTOFF LAW OFFICE**

26 
27 Marcella Barbosa
28