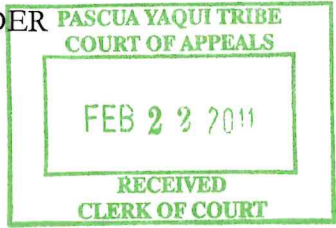


1 PASCUA YAQUI PUBLIC DEFENDER
2 7474 S. Camino de Oeste
3 Tucson, Arizona 85757
4 (520) 883-5013



5 Cruzita Acuna-Olvera,
6 Lay Advocate for Minor

7 IN THE PASCUA YAQUI TRIBE COURT OF APPEALS
8 IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

9 PASCUA YAQUI TRIBE,
10 Plaintiff/Appellee,

11 vs.

12 MADRID JR., MICHAEL,
13 Defendant/Appellant.

) Court of Appeals Case No:
) Trial Court Case No.: JD 11-004


) **NOTICE OF APPEAL**

14 Pursuant to 3 PYTC §2-3-90, Pascua Yaqui Tribe Rules of Appellate Procedure, counsel for
15 Appellant Michael Madrid Jr., respectfully files a Notice of Appeal in the Appellate Court from the Order
16 entered in this action by the Pascua Yaqui Tribal Court on January 20, 2011. A copy of the Court's Order
17 is attached hereto as required by Section 90, Pascua Yaqui Rules of Appellate Procedure.

18 The Appellant further requests that this Court enter an order directing the Clerk of the Pascua Yaqui
19 Tribal Court to prepare and submit the record within thirty (30) days.

20 DATED this 18th day of February, 2011.

21 PASCUA YAQUI PUBLIC DEFENDER

22 
23 _____
24 Cruzita Acuna-Olvera
25 Lay Advocate

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1 CERTIFICATE OF SERVICE

2 I hereby certify that the original copy of the Notice of Appeal were delivered this date to:

3 Clerk of the Court of Appeals
4 Pascua Yaqui Court of Appeals
5 7474 South Camino de Oeste
6 Tucson, AZ 85757

7 and that one copy of the Notice of Appeal was delivered this date to:

8 Pascua Yaqui Tribal Court
9 7474 South Camino de Oeste
10 Tucson, AZ 85757

11 and that one copy of the Notice of Appeal was delivered this date to:

12 Alfred Urbina
13 Chief Prosecutor
14 Office of the Prosecutor of the Pascua Yaqui Tribe
15 7474 South Camino de Oeste
16 Tucson, AZ 85757

17 DATED this _____ day of February, 2011.

18 PASCUA YAQUI PUBLIC DEFENDER

19 _____
20 Monique Ramsey
21 Office Manager
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IN THE PASCUA YAQUI JUVENILE COURT

IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION

IN THE MATTER OF;)
)
Madrid Michael R.,)
D.O.B., 01/07/93)
)
)
)
)

NO. JD-11-004

ORDER

The Adjudication hearing was held on this 20th day of January, 2010 in this matter. Allen Osburn appeared for the Tribe; the minor appeared in custody and with legal counsel Patricia Leon-Enriquez; the minor's parents appeared.

The Court finds that, after hearing the testimony of the Tribe and of the minors witnesses, viewing the evidence presented and hearing the closing arguments, that the Tribe has proven beyond a reasonable doubt that the minor committed the offenses of Disorderly Conduct, Refusal To Obey A Lawful Order, Resisting A Lawful Arrest and Assault and Battery On Tribal Official as the testimony clearly showed that the minor was using profanities/obscenities, that the minor refused obey the Officer's request to leave the home after being asked several times by the Officer, that minor resisted arrest by struggling and pulling away from the Officers as they were attempting to handcuff the minor and that the minor willfully hit Officer Beasley in the face causing injury to the Officer's face; that defense counsel moves the Court for a separate disposition hearing and the Tribe moves the Court to order a Pre-Disposition Investigation by the Probation department and the Tribe recommends that the same release conditions apply and there are no objections; that defense counsel then moves the Court to release the minor to the custody of his family as the minor was attending school and needs his medications; that the Tribe objects given the serious nature of the charges; that the release conditions will remain the same as sufficient grounds to modify the release conditions have not been presented.

IT IS ORDERED THAT, the minor is found responsible of the four allegations in the petition and the minor is adjudicated a juvenile offender and the minor shall remain detained pending the Disposition hearing and the Office Of Probation and Parole shall conduct a Pre-Disposition Investigation and shall submit the Pre-Disposition Report to the Court on or by **January 26, 2011** and the minor shall appear before this Court on **THURSDAY, JANUARY 27, 2011 AT 11:00 A.M.** for the Disposition hearing and Transport Order shall issue and the minor shall be transported to hearing from any contract Bureau of Indian Affairs Detention Facility housing the minor.

SO ORDERED THIS 20th DAY OF January, 2011.

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Cornelia S
Judge, Pascua Yaqui Tribal Court

Cc: 01-20-11
 Tribe Minor/Parent Legal Counsel C/S Liaison Other P.Y.D. Detention
D. Orphan Clerk Probation Dept.

