

Heart mt.

JUDICIAL COMMISSION

Section 1. Jurisdiction:

- a. Judicial Commission shall have jurisdiction to try all offenses committed within the Heart Mountain Relocation Center as defined by the laws of the State of Wyoming to be less than a felony, and in all case of criminal violation of the laws, ordinances, rules and regulations enacted by the community council.
- b. The Judicial Commission shall be empowered to make such rules of procedure for the conducting of hearings, from time to time as it shall deem necessary, which said rules shall be codified by the clerk of court and shall apply to all subsequent hearings before the Judicial Commission until superceded.

Section 2. Judicial Commission

- a. Body of seven commissioners shall constitute a Judicial Commission.
- b. One prospective commissioner from the electors shall be recommended from each block to constitute a Judicial Commission panel and the council shall select seven (7) commissioners from the said panel to sit as members of the Judicial Commission with two (2) alternates. In the event more than two (2) commissioners are disqualified then in that event other alternates shall be selected from the panel by the council to hear that particular case.
- c. The commissioner shall be a qualified elector over the age of twenty-five (25) years, with reasonable speaking knowledge of the English language and free from disqualification provided in the revised statutes of Wyoming.
- d. No members of the council shall act as Judicial Commissioner.
- e. The tenure of office of the Judicial Commissioner shall be continuous unless disqualified or impeached.
- f. In order to hold the accused guilty five (5) or more commissioners must cast their votes for his guilt. A case shall not be dismissed without the unanimous decision of the commissioners.
- g. The commissioner shall elect a chairman who shall preside in all hearings and trials and shall rule on admissibility of evidences precedent on the Wyoming code and common law wherever possible. The commission shall also select a secretary to record the minutes of the Judicial Commission.

Section 3.

- a. The prosecutor's office shall prepare the complaints and other necessary documents and shall prosecute the case. They shall at all times work together with, and assist the Internal Security and shall have the right to question the suspect and shall have the right to investigate all violation provided in Section 1.
- b. The public defender's office shall defend the accused unless the accused desires to have a private counsel who shall be an elector. They shall have the right to interview all suspects held by the Internal Security and shall advise him as to his rights.
- c. It shall be the duty of clerk of court to aid the Judicial Commission in conducting all hearings, administer oaths to all persons testifying before the Judicial Commission, to make and have custody of all records of hearings held before the Commission and to codify all rules passed by the Judicial Commission and to do all other duties as herein provided for in Section 4, sub-paragraph B and C and such other duties as may be prescribed by the Judicial Commission.
- d. There shall be two court reporters selected by the Judicial Commission who shall take in shorthand all the proceedings and testimony of the hearings before the Judicial Commission and shall transcribe into typewritten transcript for permanent record.

- e. The prosecutor's office, the public defender's office, and the court clerk shall be selected from persons with legal knowledge, profession, or education and/or court experience or from the Legal Aid Department by the council.
- f. The Internal Security shall appoint two members from their staff who shall act as Bailiffs at all hearings before the Judicial Commission.

Section 4. Criminal complaint:

- a. Upon receiving charges of criminal violations from the Department of Internal Security, the Prosecutor's office shall prepare a formal and concise complaint in the name of the people of Heart Mountain Project setting forth the charges against the accused. Said complaint shall be signed by the complaining witness, if any, or the Chief of the Internal Security, or one of his assistants or by the prosecutor.
- b. All summons and subpoenas shall be issued by Chief of Judicial Commission or by the clerk of court.
- c. The Internal Security shall make services of all summons, subpoenas, orders, notices, and other instrument issued by the Judicial Commission or the clerk of court.

Section 5. Judicial Commission hearing:

- a. The Judicial Commission shall convene at the courthouse to hear all cases presented for their decision.
- b. The Judicial Commission shall read the complaint to the accused and shall request the accused to enter his plea of innocence or guilt to the charge, or charges, made against him in the said complaint.
- c. At appointed time and place of hearing before the Judicial Commission, the accused and the People may require the attendance and examination of witnesses and records. In event any person refuses to attend or produce records, the Judicial Commission may issue a subpoena signed by the clerk of court, directing the wardens or other law-enforcement officers of the Heart Mountain Relocation Project to compel such attendance or production.

Section 6. Evidence:

- a. The evidence against the accused must show that he is guilty of the charges beyond a reasonable doubt and moral certainty.
- b. Strict rules of evidence against hearsay shall not be binding in hearings before the Judicial Commission, whenever such testimony be deemed pertinent in the discretion of the commissioners.
- c. Rules of the State of Wyoming pertaining to misdemeanors will govern in proceedings before the Judicial Commission whenever applicable.

Section 7. Decision:

- a. The decision of the Judicial Commission shall be in writing and it shall contain the following:
 - 1. Transcript of the testimony and proceedings, statement of accusations of charges, brief statement of facts, guilt or innocence of the accused and reason, or reasons, therefor, and 9 in event of guilt, the sentence to be imposed. The clerk shall assist the Judicial Commission of the preparation thereof, and it shall be signed by all the commissioners so holding and attested to by the clerk of court. Minority opinions, if any, must also be set forth and made a part of the record to be used in any cases appealed therefrom. The said minority opinion shall be signed by the commissioners so holding.
- b. The decision of the Judicial Commission shall be forwarded to the office of Project Director without delay after it has been rendered. Necessary time for the preparation of the transcript shall be permitted. The Project Director shall approve or disapprove same within twenty-four (24) hours. If approved, he shall so certify on the

written decision of the Judicial Commission. If disapproved, he shall return same to the clerk of court together with his written request for rehearing or further hearing setting forth his reason therefor. In the event the Project Director requests for a rehearing or further hearing, the Judicial Commission shall further consider the case and enter such decision as may be appropriate. Such decision shall be subject to review by the Project Director in accordance with the provision of this paragraph. Failure of Project Director to act upon such decision within the time hereinabove set forth shall be equivalent to his approval thereof.

Section 8. Sentence:

- a. After the accused has been adjudged guilty and sentence imposed, Judicial Commission shall be empowered to suspend said sentence or place the defendant upon probation on such terms and conditions as it shall deem appropriate. No probation period shall be longer than one year or involve monetary penalty in the event of violation of the terms thereof.
- b. In the event the judgment is not suspended, or should probation be denied to the accused, the accused shall be committed into the custody of Chief of Internal Security for the execution of such judgment and sentence.

Section 9. Appeal:

- a. In the event the accused has been found guilty of the charges set forth in the complaint, the accused shall be entitled to an appeal to the Project Director, said appeal to be in writing within seven (7) days after he had been served with a copy of such decision, setting forth therein the grounds upon which he bases such an appeal.
- b. The Project Director shall certify in writing within two (2) days after the receipt of same whether said appeal be granted or denied. If the appeal be granted, the Project Director shall order a rehearing and make recommendation as he may deem fit. Failure of Project Director to act on such appeal shall be equivalent to denial thereof.

Section 10. Compensations:

- a. The compensations of the Judicial Commission and alternates, court reporters, prosecutor's office, public defender's office, and the court clerk shall be paid by the Project.

Section 11. Vacancies in office:

- a. The Community Council shall fill all vacancies of the Judicial Commission, prosecutor's office, public defender's office, and the office of court clerk arising from any cause whatsoever.