

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

Cleone Whalen
Pro-se
Plaintiff

Case No, 5:20-cv-5070

vs.

CIVIL COMPLAINT
Injunction

Nullify 2020 Oglala Sioux Tribal Elections
Declare Certification Null and Void, *ab initio*

Oglala Sioux Tribe Executive Officers
Julian Bear Runner – Oglala Sioux Tribal President
Thomas Poor Bear – Oglala Sioux Tribal Vice President
Jennifer Spotted Bear – Oglala Sioux Tribal Secretary
Ricky Gray Grass – Oglala Sioux Tribal 5th member
Mason Big Crow- Oglala Sioux Tribal Treasure

Oglala Sioux Tribal Council Members

Duane Yellow Hawk
Jim Meeks
Craig Dillion
Cora Whiting
Ryan Jumping Eagle
Beau Little Whiteman
Chancy Wilson
Valerie Kills Small - Janis
Valentina Merdanian
Lydia Bear Killer
James Cross
Richard Greenwald
Nakina Mills
Robin Tapio
Philip Good Crow
Randy Lays Bad
Jackie Siers
Sonia Little Hawk - Weston
Garfield Apple
Glen Gibbons

Oglala Sioux Tribal Election Commission

Mary Felica
Sandra Old Horse

Defendants

COMES NOW, Plaintiff with a cause of action, to declare the 2020 Oglala Sioux Tribal Primary and

General Election Null and Void.

1. That Plaintiff did exhaust all remedies with the Oglala Sioux Tribal Supreme Court and the Oglala Sioux Tribal Executive Committee. That this Court does have subject jurisdiction matter over the Federally Recognized Oglala Sioux Tribe. According to the United States Supreme Court, Domestic Dependent to the federal government, the Oglala Sioux Tribe is reorganized by an Act of Congress through the Indian Reorganization Act, Section 16, and duly adopted the Oglala Sioux Tribe's Constitution and By-Laws subjecting Elected Representative to all laws of the United States and to the Secretary of the Department of Interior. That the Oglala Sioux Tribe's representation is wholly dependent on Federal and State government's contract and grant, requiring authorization by duly elected officials subject to federal laws, regulations and the Major Crimes Act. That so-called Indian Law governing the Oglala Sioux Tribe is wholly enacted and enforced through laws promulgated according to Constitutional authority of the United States of America, whereby laws enacted by the Oglala Sioux Tribe, to exercise certain rights of home rule, shall not be inconsistent with Federal laws.
2. That Plaintiff is a resident of Pine Ridge, Pine Ridge Indian Reservation and a member of the Oglala Sioux Tribe and governed by Federal law, and Oglala Sioux Tribal laws, ordinances and resolutions adopted by the Oglala Sioux Tribe.
3. That the Defendants, Oglala Sioux Tribal Executive Board, Oglala Sioux Tribe Council, Oglala Sioux Tribal Election Commission and the Oglala Sioux Tribal Supreme Court appears to be in an entanglement of non-enforcement of the Oglala Sioux Tribal Constitution and the Oglala Sioux Tribe Election Code Ordinance no. 20-13. The defendants willfully demonstrated the inability to conduct a constitutional, fair and honest election for the Oglala Sioux Tribal 2020 Primary and General Election.
4. That the Constitution of the Oglala Sioux Tribe **ARTICLE VII-ELECTIONS Section 2.**

"The time, place and manner of nomination and election of councilmen and any other officers of the the council shall be determined by the tribal council by appropriate ordinances." (exhibit A pg.8).

5. Defendants, Oglala Sioux Tribal Council by vote, approved Oglala Sioux Tribe Election Code Ordinance No. 20-13 on February 25th 2020. 17 For; 0 Against; and 0 Not Voting. (exhibit B).
6. The Oglala Sioux Tribe Election Code Ordinance No. 20-13 **SECTION 5.**

ELECTION DATES A. Time for Calling Tribal Elections.

The Tribal Council shall officially call all tribal elections at least one-hundred-eighty (180) calendar days or six (6) months before expiration of the term of office of its current members.

C. General Election

The general election shall be held on the same day in November as the national election, beginning in 2020 and every two years thereafter (exhibit C p.7).

7. That Defendants, Oglala Sioux Tribal Council, failed to meet the requirement of A. Time for Calling Tribal Elections. The one-hundred-eighty (180) calendar days or six (6) month time for calling Tribal Election is on or about June 8, 2020.
8. That the Defendants, Oglala Sioux Tribal Council appointed two Election Commissioners, Mary Felica and Sandra Old Horse on June 30, 2020. (exhibit D).
9. That the third Election Commissioner Stephanie Star appointment began on July 16, 2020 by a Special Tribal council meeting. (exhibit E).
10. That Defendants, Oglala Sioux Tribal Council on July 16, 2020 Special Tribal council meeting approved the Election time frame start date of August 4, 2020 to call an election with the ending date on December 4, 2020. The start date of the election resulted in merely one-hundred-twenty three (123) calendar days in the election period. (exhibit F).

11. Plaintiff, on September 8th 2020, approximately 3:45 p.m., submitted a nominating packet to Election Commissioner Sandra Old Horse as per Election Ordinance Section 14. Eligible Candidates Nominating Petitions and Prohibited Conduct K, Nominating Petitions and Letter of Intent.

i. The names of the candidates for the office of President and Vice President shall be placed on the Primary Election ballot by the Commission upon submission of :a nominating petition signed by one-hundred-fifty (150) eligible voters at large: completion of a background check; completion of a drug test; proof of enrollment; proof of residency; and a certification signed by the candidate that he/she personally requested the nominating packet. (exhibit C pg. 23)

12. That Defendants, Election Commissioners Sandra Old Horse and Mary Felica confirmed verbally that Plaintiff's nominating packet is not accepted as there were no receipts attached as proof of a drug test. That the imposed requirement by the Election Commissioners is not stated in the Oglala Sioux Tribe Election Code Ordinance No. 20-13.

13. That Defendants, Election Commission, did receive Plaintiff's drug test on September 8, 2020.

14. That the Plaintiff, did file a complaint with the Election Commissioner on September 11, 2020 as requirements is met according to Oglala Sioux Tribe Election Code Ordinance No.20-13 Section 14 Eligible Candidates, Nominating Petitions and Prohibited Conduct K. Nominating Petitions and Letter on Intent.

Included in the complaint is the time frame to response to the complaint and the request to be named on the ballot for the Primary Election. (exhibit G.)

15. That the Defendants, Election Commission failed to response to Plaintiff's complaint.

16. Plaintiff did enter a motion of default with the request to be placed on the ballot to the Oglala Sioux Tribe Supreme Court on September 21, 2020. Citing Oglala Sioux Tribe

Election Code Ordinance No. 20-13 **Section 25. CONTEST OF ELECTIONS FILED WITH THE ELECTION COMMISSION.** F. Challenges to Be Decided by the Commission in Summary Judgment Fashion. And Election Ordinance 20-13 G. Decision of the Commission. (exhibit H).

17. That Oglala Sioux Tribe Supreme Court's **FINAL ORDER** dated September 24, 2020 ruled by rescinded Election Ordinance No. 18-14 and not the current Oglala Sioux Tribe Election Code Ordinance No. 20-13. Attached to the **FINAL ORDER** is the **FINDING OF FACT AND CONCLUSIONS OF LAW** submitted by the Election Commissioners dated September 17, 2020 and September 21, 2020 .The Supreme Court did not rule actual violation of the Oglala Sioux Tribe Election Code Ordinance 20-13 except it is "Custom and Practice in past elections." (exhibit I).
18. That Plaintiff did file a Motion of Reconsideration on September 29, 2020, citing the failures of the Supreme Court to rule on the current Oglala Sioux Tribe Election Code ordinance 20-13. The Supreme Court allowed the Election Commission to submit the **FINDING AND FACT AND CONCLUSIONS OF LAW** without argument of Law, in which the Supreme Court prepared an argument for the Election Commission. (exhibit J).
19. The Supreme Court **Final Order** motion denied for Motion of Reconsideration. (exhibit K).
20. That Plaintiff did enter a complaint with the Oglala Sioux Tribal Executive Board on October 7, 2020 as per Oglala Sioux Tribal Election Code Ordinance 20-13 p.14 E. Referral to OST Executive Committee : If the Supreme Court finds that a violation has occurred, the matter shall be referred to the OST Executive Committee for their action. The OST Executive will have the discretion to immediately remove the Commissioner by majority voter. Plaintiff did cite violation committed by the Election Commission and the Supreme Court's failure to rule by the Law. The Oglala Sioux Tribal Executive Board never answered the complaint in writing. (exhibit L).

21. Plaintiff did file a Affidavit of Prejudice on November 3, 2020 with the Oglala Sioux Tribe Supreme Court. Plaintiff did cite violation of *Time for Calling Tribal Elections*, and holding a Tribal election without Constitutional boundaries of each districts. (exhibit M).
22. That Plaintiff did file with the Oglala Sioux Tribal Supreme Court the same time and day with Mary Red Hawk, an official observer for a candidate, affirmed violations of the Oglala Sioux Tribe Election Code Ordinance 20-13. That candidates were present at the counting of ballots. That challenge ballots were place on chair and not in a secure locked box. (exhibit N.)
- That Plaintiff did file with the Oglala Sioux Tribal Supreme Court the same time and day with Darrin Janis, a teller employee of the Election Commission. Affirmed that separate ballots for the Oglala Sioux Tribal President were delivered approximately 10:30 p.m. and elections did start at 7:00 a.m. (exhibit O).
23. That the Supreme Court issued a garble **FINAL ORDER** on November 9, 2020, which was actually received by the Oglala Sioux Supreme Court Clerk on November 16, 2020 and issued to Plaintiff on November 17, 2020. That the **FINAL ORDER** in appropriately consolidate the three affidavits of Plaintiff, Mary Red Hawk and Darrin Janis. Each affidavit contain separate facts of violations committed in the Oglala Sioux Tribal Election Code ordinance No. 20-13 which is not addressed by the Supreme Court. (exhibit P).

CONCLUSION

The Plaintiff's petition to run for Vice President of the Oglala Sioux Tribe, met the required signature of one-hundred-fifty (150) eligible voting members. The unfounded violation in accordance to the Oglala Sioux Tribal Election Code ordinance 20-13 disenfranchised the voters whose signatures is on the petition and other voters in the candidacy of Plaintiff.

The Oglala Sioux Tribal elections is fraudulent, Oglala Sioux Council members not upholding their own Election Ordinance passed on February 25, 2020. There is no concerns of the time frame nor

designated Constitutional boundaries for each district as per Constitution of the Oglala Sioux Tribe.

The Election Commission invoking Custom and Practice to determine the eligibility of candidates, in which is not in the Election Ordinance. The Election Commission ignoring a complaint.

The Oglala Sioux Tribe Supreme Court's inadequate ruling against the Election Ordinance No.20-13.

The Oglala Sioux Tribal Executive Board did ignore complaint filed.

That the Oglala Sioux Tribal Council and Oglala Sioux Tribal Executive Board are candidates for the 2020 Oglala Sioux Tribal Elections. The Oglala Sioux Tribe's governing body failed to review numerous violations in the Oglala Sioux Tribe Election Code Ordinance No. 20-13 when the Supreme Court failed to cite violations committed that directly affected the voters and candidates outcome of the 2020 Oglala Sioux Tribal Election.

Wherefore, the Plaintiff prays this Court will:

1. Grant a hearing in the Oglala Sioux Tribe's 2020 Election.
2. Grant null and void the certification of the 2020 Oglala Sioux Tribal Primary and General Elections.
3. Grant a new Oglala Sioux Tribal Election.
4. Grant to amend the Oglala Sioux Tribal Election Code Ordinance No. 20-13 through membership participation approved by the Pine Ridge Indian Agency BIA Superintendent.
5. Grant the Pine Ridge Indian Agency, BIA Superintendent oversee everyday business of the Oglala Sioux Tribe until a new election is held.
6. Grant the appointment of a special master to oversee the finances of the Oglala Sioux Tribe until there is a newly seated governing body through a fair and honest election.
7. Grant removal of the Supreme Court from the Election Ordinance and select from each district one local membership to hear all complaints in person.
8. Grant a new election commission.
9. Grant to hold hearing at the Justice Center Court as the Justice Center is a Federal building on

Pine Ridge Indian Reservation overseen by the BIA. The plaintiff and all Defendants reside on the Pine Ridge Indian Reservation.

Dated this 20 day November, 2020



Plaintiff pro-se
Cleone Whalen
P.O. Box 1687
Pine Ridge, Indian Agency
57770
c. 605-441-6430

Defendant's place of business address
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, South Dakota
57770

Oglala Sioux Tribe Executive Officers
Julian Bear Runner – Oglala Sioux Tribal President
Thomas Poor Bear – Oglala Sioux Tribal Vice President
Jennifer Spotted Bear – Oglala Sioux Tribal Secretary
Ricky Gray Grass – Oglala Sioux Tribal 5th member
Mason Big Crow- Oglala Sioux Tribal Treasure

Oglala Sioux Tribal Council Members

Duane Yellow Hawk
Jim Meeks
Craig Dillion
Cora Whiting
Ryan Jumping Eagle
Beau Little Whiteman
Chancy Wilson
Valerie Kills Small - Janis
Valentina Merdanian
Lydia Bear Killer
James Cross
Richard Greenwald
Nakina Mills
Robin Tapio
Philip Good Crow
Randy Lays Bad
Jackie Siers
Sonia Little Hawk - Weston

**Garfield Apple
Glen Gibbons**

**Defendant's place of business
Oglala Sioux Tribal Election Commission
P.O. Box 3015
Pine Ridge, South Dakota
57770
Mary Felica-Election Commissioner
Sandra Old Horse-Election Commissioner**

Whalen
vs.
Oglala Sioux Executive Officers et al

Case No 5:20-ev-05070 JLV

EXHIBITS

Exhibit A. p. 8 Constitution of the Oglala Sioux Tribe

Exhibit B. Oglala Sioux Tribal Council approval of Oglala Sioux Tribal Election Code Ordinance 20-13

Exhibit C. Oglala Sioux Tribal Election Code Ordinance 20-13 p. 7

Exhibit D. Minutes of the Oglala Sioux Tribal Council meeting June 30, 2020

Exhibit E. Minutes of the Oglala Sioux Tribal Council Meeting Special Session July 16, 2020

Exhibit F. Minutes of the Oglala Sioux Tribal Council Meeting Special Session July 16, 2020

Exhibit C p23. Oglala Sioux Tribal Election Code Ordinance

Exhibit G. Complaint submitted to Election Commission September 11, 2020.

Exhibit H. Motion Default filed to Supreme Court September 21, 2020.

Exhibit I. Oglala Sioux Tribe Supreme Court and Election Commission Finding of Facts.

Exhibit J. Motion Reconsideration

Exhibit K. Oglala Sioux Tribe Supreme Court Final Order motion denied.

Exhibit L. Oglala Sioux Tribal Executive Board Complaint

Exhibit M. Plaintiff's Affidavit of Prejudice to Oglala Sioux Tribal Supreme Court

Exhibit N. Mary Red Hawk's Affidavit of Prejudice to Oglala Sioux Tribal Supreme Court

Exhibit O. Darin Janis Affidavit of Prejudice to Oglala Sioux Tribal Supreme Court

Exhibit P. Oglala Sioux Tribe Supreme Final Order

Exhibit A
Page 2 of 20
Plaintiff

- (b) Physical or mental disability which prevent the performance of judicial duties;
- (c) Persistent failure to perform judicial duties;
- (d) Gross misconduct that is clearly prejudicial to the administration of justice.

Section 7. Vacancies. If there is any vacancy, the Tribal Council shall appoint a Justice of the Supreme Court or a new Judge of inferior tribal courts for the unexpired term. If the vacancy involves the Chief Judge of inferior tribal courts, the Tribal Council shall appoint a new Chief Judge who satisfies all requirements necessary for Chief Judge for the unexpired term.

ARTICLE VI - DISTRICT ORGANIZATION

Each district established under this constitution shall elect a president and such other officers as may be advisable to run concurrent with the terms of the representatives to the tribal council. The president shall call and preside over councils of the district whenever necessary for the consideration of matters of local interest. The various districts may consult with representatives of the Interior Department on all matters of local interest and make recommendations thereon to the tribal council or the superintendent or Commissioner of Indian Affairs, may undertake and manage local enterprises in furtherance of the purposes set forth in the preamble to this constitution, may levy assessments upon members of the district, may expend moneys in the district treasury for the benefit of the district, may keep a roll of those members of the tribe affiliated with the district, and may exercise such further powers as may be delegated to districts by the tribal council. The actions of the district councils shall not be inconsistent with the constitution and by-laws, and ordinances of the tribe.

ARTICLE VII - ELECTIONS

Section 1. All members of the Tribe 18 years or over, who have resided on the reservation for a period of one year immediately prior to any election shall have the right to vote.

Section 2. The time, place and manner of nomination and election of councilmen and any other elective officers of the council shall be determined by the tribal council by appropriate ordinances.



Exhibit B
Plaintiff
p. 1 of 2

ORDINANCE NO. 20-13

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE
ADOPTING THE 2020 OGLALA SIOUX TRIBE ELECTION CODE.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934, codified as amended at 25 U.S.C. §5123, and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, Article IV, § 1 (k), of the Tribal Constitution vests the Tribal Council with the authority "to promulgate and enforce ordinances governing the conduct of persons on the Pine Ridge Indian Reservation," and

WHEREAS, Article IV, § 1(w), of the Tribal Constitution vests the Tribal Council with the authority to enact laws protecting and promoting the general welfare of the Tribe and its members, and

WHEREAS, Article VII, § 2, of the Tribal Constitution vests the Tribal Council with the authority to enact ordinances governing Tribal elections, and

WHEREAS, in the exercise of these authorities, the Tribal Council does adopt an Oglala Sioux Tribe Election Code to establish a uniform and comprehensive election process that is fair, impartial, and dignified for the election of members of the Tribal Council, Boards, and District government officials, and

WHEREAS, on December 20, 2019, the Law and Order Committee of the Tribal Council approved a motion making changes that would be incorporated into the 2020 OST Election Code: Section 14 (A) (1) (d) to include the offenses listed in Ordinance No. 99-16; to change Section 14(h) to clarify the boards, commissions, and other entities on which Tribal Council Officers and Representatives may sit; to amend the first paragraph of Section 14(K) (3) to clarify that unsuccessful candidates for the positions of Tribal President, Vice-President, or Council Representative shall not be allowed to run for any of the positions of Tribal Council Secretary, Treasurer, Fifth Member, and Sergeant at Arms; and to further provide that all candidates for these offices must follow that same timeline for submission of letters of intent and completion of background checks as candidates for the position of Tribal President, Vice-President, and Council Representative, and

Exhibit B
Plaintiff
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ORDINANCE NO. 20-13
Page Two

WHEREAS, the Tribal Council concurs with the changes proposed by the Law and Order Committee; now


THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council hereby adopts the 2020 OST Election Code which is attached hereto and incorporated by reference as if fully set forth herein, and

BE IT FURTHER ORDAINED, that all previous and prior OST Election Codes are hereby revoked and rescinded including Ordinances Nos. 93-20, 10-15, 14-27 and 18-14, and any resolutions or ordinances which are in conflict with this Ordinance are hereby rescinded, and

BE IT FURTHER ORDAINED, that the President of the Oglala Sioux Tribe or in his absence the Vice-President of the Oglala Sioux Tribe is directed to sign this Ordinance.

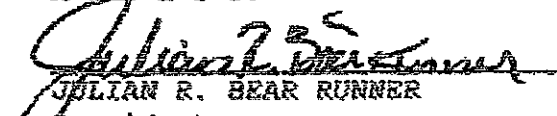
C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, hereby certify that this Ordinance was adopted by a vote of: 17 For; 0 Against; 0 Abstain; and 0 Not Voting; during a REGULAR SESSION held on the 25TH day of FEBRUARY, 2020.



JENNIFER SPOTTED BEAR
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:



JULIAN R. BEAR RUNNER
President
Oglala Sioux Tribe



Exhibit C
Plaintiff

"Vice-President" shall mean the Vice-President of the Oglala Sioux Tribe elected pursuant to Article III, Section 6 of the Tribal Constitution.

"Voter(s)" shall mean those members of the Oglala Sioux Tribe who met the requirements as set forth in Article VII Section I of the Constitution which states: "All members of the Tribe eighteen years of age or over, who have resided on the Reservation for a period of one year immediately prior to any election shall have the right to vote."

"Write-In Candidate" shall mean a proposed candidate for tribal office whose name does not appear on the official ballot as prepared by the Commission, but is written on the official ballot by a voter. Write-in candidate(s) are not allowed under the OST Election Code and are strictly prohibited. Any vote cast for a write-in candidate shall not be counted nor shall it be a valid vote.

SECTION 5. ELECTION DATES

A. Time for Calling Tribal Elections.



The Tribal Council shall officially call all tribal elections at least one-hundred-eighty (180) calendar days or six (6) months before expiration of the term of office of its current members.

B. Primary Election

The Primary Election shall be held on the second Tuesday of October 2020 and every two years thereafter on the second Tuesday of October. If the Primary Election day falls on a legally recognized holiday, then the Primary Election shall be held on the first business day following the holiday.

C. General Election



The general election shall be held on the same day in November as the national election, beginning in 2020 and every two years thereafter.

SECTION 6. VOTING

A. Secret Ballot

All voting in Tribal Primary, General or Special elections shall be conducted by secret ballot. Polling sites shall be open between 7:00 a.m. MST and 7:00 p.m. MST on the respective days designated by the Council for the Elections.

B. Electioneering Prohibited

Exhibit D
plaintiff

MINUTES OF THE OGLALA SIOUX TRIBAL COUNCIL MEETING
June 30, 2020
Regular Session
Page Fifteen

James Cross	- NOT VOTING	Chancy Wilson	- NOT VOTING
Sonia Little Hawk-Weston	- YES	Philip Good Crow	- YES
Jackie Siers	- YES	Randy Lays Bad	- NO
Vincent Two Lance	- YES	Richard Greenwald	- YES
Craig Dillon	- NOT VOTING	Nakina Mills	- YES

MOTION CARRIED WITH: 12 YES; 5 NO; 0 ABSTAIN; 3 NOT VOTING.

OST LAW AND ORDER COMMITTEE -

RESOLUTION NO. 20-125 -

MOTION MADE BY DUANE YELLOW HAWK, SECONDED BY PHILIP GOOD CROW TO ADOPT THE PROPOSED RESOLUTION ENTITLED, "RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE APPOINTING MARY FELICIA AND SANDRA OLD HORSE AS COMMISSIONERS FOR THE 2020-2022 OGLALA SIOUX TRIBAL PRIMARY AND GENERAL ELECTIONS".

ROLL CALL VOTE:

Jim Meeks	- NOT VOTING	Cora White Horse	- YES
Duane Yellow Hawk	- YES	Valerie Janis	- YES
Garfield Apple	- YES	Valentina Merdanian	- YES
Glen Gibbons	- YES	Ryan Jumping Eagle	- NOT VOTING
Lydia Bear Killer	- YES	Beau Little Whiteman	- YES
James Cross	- NOT VOTING	Chancy Wilson	- YES
Sonia Little Hawk-Weston	- YES	Philip Good Crow	- YES
Jackie Siers	- YES	Randy Lays Bad	- YES
Vincent Two Lance	- YES	Richard Greenwald	- YES
Craig Dillon	- YES	Nakina Mills	- YES

MOTION CARRIED WITH: 17 YES; 0 NO; 0 ABSTAIN; 3 NOT VOTING.

RECESS -

MOTION MADE BY DUANE YELLOW HAWK, SECONDED BY JIM MEEKS TO RECESS THE OGLALA SIOUX TRIBAL COUNCIL MEETING UNTIL WEDNESDAY, JULY 1, 2020, 10:00 A.M.

Plaintiff

MINUTES OF THE OGLALA SIOUX TRIBAL COUNCIL MEETING
July 16, 2020
Special Session
Page Five

Sonia Little Hawk-Weston	- YES	Randy Lays Bad	- YES
Jackie Siers	- YES	Richard Greenwald	- YES
Vincent Two Lance	- YES	Nakina Mills	- YES
Craig Dillon	- YES	Robin Tapio	- YES
Cora White Horse	- YES		

MOTION CARRIED WITH: 20 YES; 0 NO; 0 ABSTAIN; 1 NOT VOTING.

GST LAW AND ORDER COMMITTEE/ELECTION COMMISSION -

RESOLUTION NO. 20-137 -

Exhibit E
★

MOTION MADE BY GARFIELD APPLE, SECONDED BY DUANE YELLOW HAWK TO ADOPT THE PROPOSED RESOLUTION ENTITLED, "RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE APPOINTING STEPHANIE STARR AS ELECTION COMMISSIONER AND JEFF NOT HELP HIM AS ELECTION COMMISSIONER ALTERNATE FOR THE 2020-2022 OGLALA SIOUX TRIBE'S PRIMARY AND GENERAL ELECTIONS".

ROLL CALL VOTE:

Jim Meeks	- YES	Valerie Janis	- NO
Duane Yellow Hawk	- YES	Valentina Merdanian	- YES
Garfield Apple	- YES	Ryan Jumping Eagle	- NO
Glen Gibbons	- YES	Beau Little Whiteman	- YES
Lydia Bear Killer	- NO	Chancy Wilson	- YES
James Cross	- YES	Philip Good Crow	- NOT VOTING
Sonia Little Hawk-Weston	- YES	Randy Lays Bad	- YES
Jackie Siers	- YES	Richard Greenwald	- NO
Vincent Two Lance	- YES	Nakina Mills	- YES
Craig Dillon	- NO	Robin Tapio	- YES
Cora White Horse	- NO		

MOTION CARRIED WITH: 14 YES; 6 NO; 0 ABSTAIN; 1 NOT VOTING.

MOTION NO. 20-318 -

★

MOTION MADE BY GLEN GIBBONS, SECONDED BY CORA WHITE HORSE TO APPROVE THE OGLALA SIOUX TRIBE 2020 ELECTION TIMEFRAME.

Exhibit F
10F4

Exhibit F
Plaintiff
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MINUTES OF THE OGLALA SIOUX TRIBAL COUNCIL MEETING
July 16, 2020
Special Session
Page Six

ROLL CALL VOTE:

Jim Meeks	- YES	Valerie Janis	- YES
Duane Yellow Hawk	- YES	Valentina Merdanian	- YES
Garfield Apple	- YES	Ryan Jumping Eagle	- YES
Glen Gibbons	- YES	Beau Little Whiteman	- YES
Lydia Bear Killer	- YES	Chancy Wilson	- YES
James Cross	- YES	Philip Good Crow	- NOT VOTING
Sonia Little Hawk-Weston	- YES	Randy Lays Bad	- YES
Jackie Siers	- YES	Richard Greenwald	- YES
Vincent Two Lance	- YES	Nakina Mills	- YES
Craig Dillon	- YES	Robin Tapio	- YES
Cora White Horse	- YES		

MOTION CARRIED WITH: 20 YES; 0 NO; 0 ABSTAIN; 1 NOT VOTING.

DIALYSIS CENTER -

MOTION NO. 20-319 -

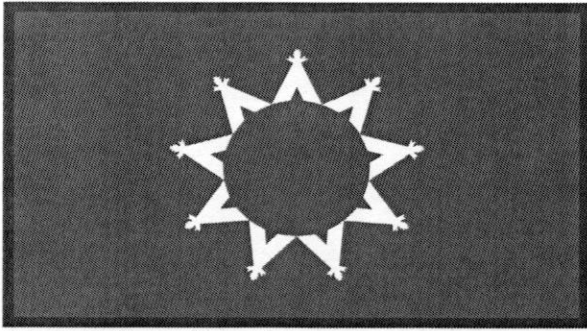
MOTION MADE BY CRAIG DILLON, SECONDED BY CORA WHITE HORSE TO HAVE THE CHIEF OF STAFF GET A SHADE AND PORT-A-POTTY FOR THE PEOPLE WAITING OUTSIDE AT THE DIALYSIS CENTER AND TO INCLUDE THE ISSUE WITH THE GAS TICKETS DUE TO THE SHELTER IN PLACE AND CURFEW, THAT THE STORES ARE CLOSED.

ROLL CALL VOTE:

Jim Meeks	- YES	Valerie Janis	- YES
Duane Yellow Hawk	- YES	Valentina Merdanian	- YES
Garfield Apple	- YES	Ryan Jumping Eagle	- YES
Glen Gibbons	- YES	Beau Little Whiteman	- YES
Lydia Bear Killer	- YES	Chancy Wilson	- YES
James Cross	- YES	Philip Good Crow	- YES
Sonia Little Hawk-Weston	- YES	Randy Lays Bad	- YES
Jackie Siers	- YES	Richard Greenwald	- YES
Vincent Two Lance	- YES	Nakina Mills	- YES
Craig Dillon	- YES	Robin Tapio	- YES
Cora White Horse	- YES		

MOTION CARRIED UNANIMOUSLY (21) YES.

Exhibit F
Plaintiff
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Oglala Sioux Tribe
Election Commission
P.O Box 3015
E. Highway 18
Pine Ridge South Dakota 57770
Phone (605) 867-2266 Fax (605) 867-2261
Office Hours 8:30 to 4:30

Mary Felicia, President
Sandra Old Horse, Vice-President
Stephanie Starr, Secretary/Treasurer

Oglala Sioux Tribe Timeframe 2020 Election

- August 4** Nominating Petitions available for OST President, Vice-President, Council Representatives
- August 25** Deadline to return Voters List to be completed
- August 25** Deadline for Final Voters Lists to be completed
- September 8** Deadline for nominating Petitions at 4:30 pm
- September 8** Last day to file challenge on a person's right to vote
- September 16** Deadline to Petition to add name to Voters List
- September 22** All Nominating Petitions for President, Vice-President, and Council Representatives must be reviewed, and candidates certified as eligible by Election Commission
- September 29** Lots Drawn for positions on Primary Election Ballot
- October 2** OST Primary Elections Sample Ballots posted
- October 2** Deadline for Absentee Ballots to be cast in Primary Election
- October 6** Deadline to challenge a candidate's right to run for office

(page 1)

Exhibit F
Plaintiff
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Oglala Sioux Tribe Timeframe 2020 Election

- October 12** Election, Judge, Teller and Monitor Training for Primary Election
- October 13** OST Primary Election Polls open from 7:00 a.m. to 7:00 p.m.
- October 15** Unofficial Results of OST Primary Election
- October 16** Official/Certified Results of OST Primary Election released
- October 19** Deadline to file challenge on 2020 Primary Election Results
- October 22** Lots drawn for position on 2020 General Election Ballot
- October 23** General Election Sample Ballot posted
- October 28** Deadline to request Absentee ballot for General Election
- November 2** Letter in Intent for Secretary, Treasurer, Fifth Members and Sergeant-At-Arms
- November 3** OST General Election Polls Open 7:00 a.m. to 7:00 p.m. (MST)
- November 6** Unofficial Results of OST General Election
- November 13** Official/Certified Results of OST General Election
- November 16** Deadline to file challenge 2020 OST General Election
- November 16** Deadline to return letter of Intent for Secretary, Treasurer Fifth Member and Sergeant-At-Arms must be reviewed and candidates certified as eligible by OST Election Commission
- December 4** Swearing in of incoming President, Vice-President, and Tribal Council Representative. Selection of Secretary, Treasurer, Fifth Member and Sergeant-At-Arms

Exhibit C p. 23
PLAINTIFF

J.

Drug Testing Requirements

Each candidate for Tribal Council Representative, President, Vice President, Secretary, Treasurer, Fifth Member and Chief Judge must submit to a drug test. A "Certificate of Compliance with Drug Test" form will be provided by the Commission to each candidate who takes out a nominating petition or submits a Letter of Intent for an office. The form must be completed and submitted by each candidate when he/she files a completed nominating petition or submits a Letter of Intent with the Commission. Any candidate whose drug test results in a positive reading shall be declared by the Commission to be ineligible to run for office. The cost of the drug test is a non-refundable expense and the Commission shall not reimburse any person for the cost of obtaining a drug test. All Candidates shall only be allowed to submit only one drug test result to the Commission.

K. Nominating Petitions and Letters of Intent

i. President and Vice-President

The names of candidates for the offices of President and Vice-President shall be placed on the Primary Election ballot by the Commission upon submission of: a nominating petition signed by one-hundred-fifty (150) eligible voters at large; completion of a background check; completion of a drug test; proof of enrollment; proof of residency; and a certification signed by the candidate that he/she personally requested the nominating petition.

ii. Council Representatives

The names of candidates for Council Representative shall be placed on the Primary Election ballot by the Commission upon submission by a candidate of: a nominating petition signed by thirty (30) eligible voters; completion of a background check; completion of a drug test; proof of enrollment; proof of residency; and a certification signed by the candidate that he/she personally requested a nominating petition.

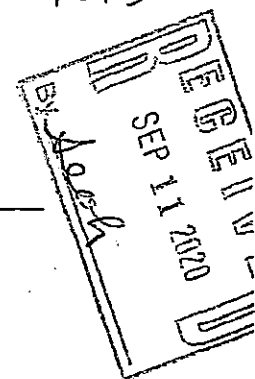
iii. Tribal Secretary, Treasurer, Fifth Member and Sergeant at Arms

The names of candidates for the offices of Tribal Council Secretary, Treasurer, Fifth Member and Sergeant at Arms shall be submitted to the Tribal Council by the Commission following submission of a Letter of Intent to the Commission. No individual who was an unsuccessful

Exhibit G
Plaintiff
10f3

BEFORE THE OGLALA SIOUX TRIBAL ELECTION COMMISSION
AN ADMINISTRATIVE FORUM OF THE OGLALA SIOUX TRIBE

CASE NO. _____



In Re the Contest of Election of
Henny Cleone Whalen
Complainant

COMPLAINT

COMES NOW, Henny Cleone Whalen, the complainant above-named, and for her contest of election, states as follows;

1. That Complainant, is a enrolled member of the Oglala Sioux Tribe with enrollment number U-037499.
2. That Complainant, is a qualified candidate for the office of Vice President in the Oglala Sioux 2020 Primary Election.
3. That on September 8, 2020, approximately 3:45 p.m. Complainant did submit to Election Commissioner Sandra Old Horse as per Election Ordinance Section 14 Eligible Candidates, Nominating Petitions, and Prohibited Conduct, K. Nominating Petitions and Letter of Intent
 - i. The names of the candidates for the office of President and Vice president shall be placed on the Primary Election ballot by the Commission upon submission of: a nominating petition signed by one-hundred fifty (150) eligible voters at large; completion of a background check; completion of a drug test; proof of enrollment; proof of residency; and a certification signed by the candidate the he/she personally requested the nominating petition.
4. That Commissioner did state that the complainant must also submit receipts and that she will not accept the petition packet without the drug test receipt.
5. Complainant did ask the Commissioner to to show where it was in the Election Ordinance.
6. That Commissioner did state it is written in an Opinion by a lawyer and produced the Opinion.
7. That Commissioner Felica did confirm they would not accept Complainant's petition packet

Exhibit G
Plaintiff
20F3

without receipts.

8. Complainant did request the Commissioner put it in writing as Complainant would file a complaint as to why complainant's packet is not received by the Election Commission.
9. The Election Commissioner did attempt to hand back the petition packet to Complainant as
10. That complainant refused to accept petition packet from Commissioner and stated again to put it in writing so complainant can file a complaint.
11. Commissioner laid petition packet on a desk and said this is where your packet will remain as Complainant walked out the door.
12. That on 9-10-2020 at approximately 1:00 p.m. Complainant did call the Election Office speaking to Commissioner Sandra Old Horse and requested a denial letter. The Commissioner did state they will send one.
13. The Election Ordinance 20-13 N. Decision of the Commission.

Every Commission as to challenges must be in writing and contain findings of facts and conclusions of law on which the decision was based. All decisions of the Commission must have two (2) Commissioner's signatures approving the decision to be valid. Once issued, the Commission decision must be made available to a candidate within 24 hours or within one day of when decision was made.

14. That two Election Commissioner made a verbal decision on September 8, 2020 not to accept complainant's petition packet. That Complainant did not receive the written decision within 24 hours or within one day of when decision was made.

WHEREFORE, The Opinion by the Lawyer is merely an opinion and is an attempt to change the Election Ordinance 20-13 without the authority of Oglala Sioux Tribal Council vote. That any Opinion render concerning the Election Ordinance 20-13 must come from an ORDER of the Oglala Sioux Tribal Supreme Court.

BE IT FURTHERED, That the Election Commission failed to provide a written decision within 24

Exhibit G
Plaintiff
3 of 3

hours of the two Commissioner's verbal notification.

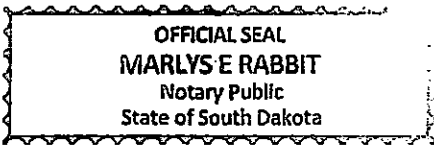
That Complainant does pray, that the Election Commission allows complainant on the primary ballot for Election 2020.

Henny Cleone Whalen

Henny Cleone Whalen
P.O. Box 1687
Pine Ridge, Indian Agency 57770
605-441-6430

September 10, 2020

Marlys E Rabbit
12-20-2020



SUPREME COURT
OF THE
OGLALA SIOUX TRIBE
PINE RIDGE INDIAN AGENCY

Henny Cleone Whalen
Appellant

MOTION
DEFAULT

vs.

Case No. _____

Oglala Sioux Tribe Election Commission
Appellee

COMES NOW, Appellant with a cause of action before the Supreme Court of the Oglala Sioux Tribe for the contest of Vice-President of the Oglala Sioux Tribe and states as follow:

1. That Appellant is a enrolled member of the Oglala Sioux Tribe with enrollment number U-037499.
2. That Appellant address is P.O. Box 1687 Pine Ridge, Indian Agency, 57770.
3. That Appellee did release OST Election Commission-Completed packets as of 9-8-20 without Appellants name appearing in the Vice-President box. (exhibit 1).
4. That Appellant did file a complaint, received by Election Commission on September 11, 2020 praying to be placed on the primary 2020 election ballot. (exhibit 2).
5. That the Election Commission failed to adhere to OST Election Code Ordinance No.20-13

Section 25. CONTEST OF ELECTION FILED WITH THE ELECTION COMMISSION

F. Challenges to Be Decided by the Commission in Summary Judgment Fashion.

The Commission will consider each contest or challenge and report it's findings of fact and conclusions of law no later than three (3) working days from the date of notarized complaint was filed. All challenges or contest will be decided by the Commission in summary judgment fashion. This means that the verified complaint, affidavit, and record will be considered without the necessity of verbal testimony. However, the Commission may, in it's discretion,

Exhibit H
Plaintiff
2 of 2

require an expedite hearing using verbal testimony in any challenge or contest.

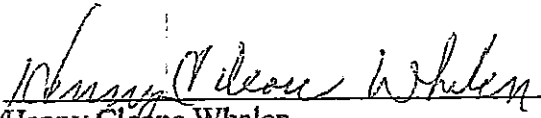
- 6. That Election Ordinance No. 20-13 G. Decisions of the Commission page 38. All decisions of the Commission must comply with candidates qualification for office in regard to criminal background checks, residency requirements and positive drug results.
- 7. That Appellant, minus the positive drug result, did acquire all elements to qualify as a candidate for the Vice-President of the Oglala Sioux Tribe. Noted the Election Commission did receive a negative drug result.
- 8. That the Election Commission did not copy the Appellant's tribal I.D.

Whereas, in order to expedite the complaint and not uphold the election process all time frames of three (3) working days must be adhered to by the Election Commission. That failure to abide by the three (day) policies gravely affects the elections and the candidates right to file a complaint in a timely fashion. That filing in the Supreme Court, judicially noted, the Election Ordinance also constraints the Supreme Court to render a decision in five (5) days.

Wherefore the the Appellant does pray the Supreme Court will grant.

- 1. That Appellee failed to response to Appellant's complaint in three (3) working days.
- 2. That Appellant is placed on the Primary ballot as a eligible candidate for the Vice-President of the Oglala Sioux Tribe.

Dated this day September 21, 2020


 Henry Cleone Whalen
 P.O. Box 1687
 Pine Ridge, Indian Agency 57770

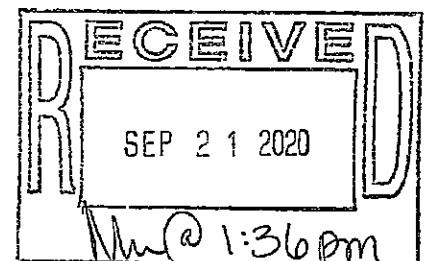


Exhibit I
plaintiff
1 of 5

CASE NO. ELEC-2020-0001

Whalen v. OST Election Commission

FINAL ORDER 09/24/20

**OGLALA SIOUX TRIBE
SUPREME COURT**

IN THE MATTER OF:

CASE NO. ELEC-2020-0001

The Election Contest of:

HENNY CLEONE WHALEN,
Appellant

FINAL ORDER

v.

**2020 OGLALA SIOUX TRIBE
ELECTION COMMISSION,**
Respondent

This Appeal came before the Court on September 11, 2020. The above matter was filed by Appellant, who challenged the OST Election Commission’s decision to reject Appellant’s petition to seek to run for the office of Vice-President of the Oglala Sioux Tribe (“OST” or “Tribe”) because Appellant had failed to submit sufficient proof of completion of a background and drug check, pursuant to Sect. 14(B) of Ordinance No. 18-14, pg. 17, known commonly as the Oglala Sioux Tribe Election Code (“Election Code”), adopted by the Oglala Sioux Tribal Council on June 27, 2018. Appellant, in her filings, cites an “Opinion by a Lawyer” as to the support the Election Commission based their decision upon, but the Election Code itself provides for such requirement for all candidates for the position sought by Appellant to comply with the requirement. 14(B).

The Oglala Sioux Tribe (“OST”) Election Commission (“Commission”) issued Findings of Fact and Conclusions of Law for the above-referenced Appellants’ contest on September 21, 2020, and received by this Court on September 22, 2020.

The Court incorporates the above-mentioned filings herein as part of the record.

A. Standard of Review

Under Sect. 26(A), pg. 36, of the Election Code, decisions of the Election Commission may be appealed to the Supreme Court by any candidate who is directly affected by the decision.

The only Tribal court forum having subject matter jurisdiction over an election challenge is the Supreme Court. Pg. 37, Sect. 26(D).

Exhibit J
Page ID #: 36
Plaintiff
2 of 5

CASE NO. ELEC-2020-0001

Whalen v. OST Election Commission

FINAL ORDER 09/24/20

Based on the record, this Court has personal and subject matter jurisdiction over these proceedings.

B. Issue(s)

Whether the Commission acted within its authority by rejecting Appellant's petition for candidacy based on Appellant's failure to submit proper documentation for a background check and drug test.

C. Analysis

The Election Code clearly requires candidates to provide proof of a background check and drug test results under 14(B). The Commission, in their Findings of Fact and Conclusions of Law, attest that the requirement was upheld fairly and objectively, and we find no evidence in the filings to cause us to conclude that Appellant was treated differently than other potential candidates that failed to submit applications not satisfying the basic criteria. See 7(1) and 7 (2).

D. Findings

THE COURT FINDS:

1. Based on the record, this Court has personal and subject matter jurisdiction over these proceedings.
2. The Commission's best efforts to interpret and apply the requirements for candidacy under 14(B) are supported by the Election Code.
3. The Election Commission acted properly and this Court finds no basis to order further action.

E. ORDER

THIS COURT ORDERS:

1. Appellant's Appeal is DENIED.
2. The COMMISSION's Findings of Fact and Conclusions of Law referenced in this Final Order are HEREBY AFFIRMED.

Exhibit I
Plaintiff
3 of 5

CASE NO. ELEC-2020-0001

Whalen v. OST Election Commission

FINAL ORDER 09/24/20

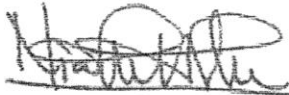
IT IS SO ORDERED.

Dated this 24th day of September 2020.



Eric Lochen, Associate Justice
Associate Justice Jack Duran concurring.
CHIEF JUSTICE position is currently vacant.

ATTEST:

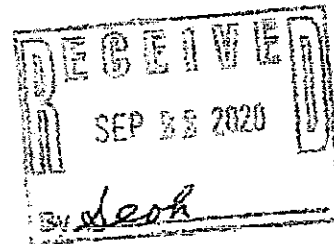


Clerk of Supreme Court
OSN Supreme Court



Exhibit I
plaintiff
4 of 5

OGLALA SIOUX TRIBE
ELECTION COMMISSION



IN RE THE CONTEST OF

CASE NO. 2020-01

HENNY CLEONE WHALEN,

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

COMPLAINANT

FINDINGS OF FACT

1. Complainant has filed a complaint objecting to the action of the Commission in failing to accept her petition seeking to run for the office of Vice-President of the Oglala Sioux Tribe.

2. In order to seek the position of Vice President, one of the qualifications is the completion of a background and drug check.

3. In past elections, it has been the custom and practice to require that a person seeking office submit the original receipt showing that the background and drug check have been paid for and results will be made available to the Commission.

4. This practice and procedure is necessary because otherwise the Commission would have no way of knowing if the background and drug check have been requested and the results will be made available to the Commission. The original receipt is required to verify that the background and drug checks have been actually requested and to insure that no forgeries are submitted.

5. The refusal to accept Complainant's petition was the same action by the Commission taken with regard to all others who have filed petitions without providing required receipts.

Exhibit I
Plaintiff
S O F S

CONCLUSIONS OF LAW

- 6. Complainant refused to provide receipts that a background and drug check had been ordered and the results provided to the Commission.
- 7. The requirement of receipts has been the custom and practice in past elections.
- 8. Without the requirement, the Commission cannot be assured that the background and drug checks have been ordered and results will be submitted.
- 9. Complaint is denied.

Dated: September 17, 2020.

Mary Felicia 9-21-20
Mary Felicia, Chair

Sandra E. Old Horse 9-21-20
Sandra Old Horse, Vice-Chair

Exhibit J
40
PLAINTIFF
1 of 3

SUPREME COURT
OF THE
OGLALA SIOUX TRIBE
PINE RIDGE INDIAN AGENCY

IN THE MATTER OF

CASE NO. ELEC-2020-0001

The Election Contest of

HENNY CLEONE WHALEN
Appellant

MOTION

RECONSIDERATION

vs.

2020 OGLALA SIOUX TRIBE
ELECTION COMMISSION
Respondent

ON, September 24th 2020, Associate Judge Eric Lochen rendered a Decision in Case No. Elec-2020-0001. That it is quite disturbing that the Associate Judge rendered his Decision from Ordinance No. 18-14 pg 17. That the 2020 Election currently operates under Election Ordinance 20-13 adopted February 25, 2020. That the Judge failed to rule according to Election Ordinance 20-13 sec. 25 C. page 37 NO. 3 (STATE BASIS FOR COMPLAINT WITH REFERENCE TO THE RELEVANT SECTIONS OF THE ELECTION CODE ALLEGED TO HAVE BEEN VIOLATED IN NUMBERED PARAGRAPHS). It is odd that the Commission's Jurist Doctorate Lawyer can not comprehend or engage in fact finding of any violation of that may have occurred within the Election Ordinance. It is very peculiar that the Associate Supreme Court Judge prepared a defense for the Election Commission, which displays the unbalance of Justice. It is the Judge's role and responsibility to rule on both parties argument that is presented according to the Find of Facts and Conclusion of law written in the Election Ordinance.

That the Election Commissioners failed to cite any law violated in the FINDING OF FACTS AND CONSLUSIONS OF LAW. Except merely state item 3. "In past election, it has been the custom and practice to require that a person seeking office submit the original receipt showing the background and drug check have been paid for and results will be made available to the Commission". There is no citation of law in Election Ordinance 20-13 to represent this statement of CUSTOM AND PRACTICE

Exhibit J
PLAINTIFF
2013

which obstructs the Laws of the Election Ordinance. That traditional headsman rules on Custom and Practice but, this is the IRA government adopted ordinance which leaves room only for the Supreme Court to rule lawfully based on Election Ordinance 20-13.

That the Election Commission did not submit any argument of Law to rendered a decision however, the Associated Judge did cite 14 (B.) of Ordinance No. 18-14, pg 17. Which would actually be page 20 of Election Ordinance 20-13, middle of paragraph. "All criminal background checks and drug test results will be hand delivered to the Election Commission in a sealed envelope. The Election Commission shall rule on the eligibility of each candidate based upon the results of the criminal background check, drug test and other requirements for office. The Commission shall only accept the initial results of a candidate's drug test. All candidates will be solely responsible for all costs and fees associated with obtaining their criminal background check and drug test". The only item in question is the drug results in which the O.S.T. Clinical lab confirmed hand delivering negative drug test results on September 8, 2020.

Based on facts of Law in the Election Ordinance, Did the Complaint Henny Cleone Whalen file a complaint with the Election Commission, on September 11, 2020. Did the Election Commission respond to complaint as per Sec. 25 Contest of Election Filed with the Election Commission. F. "Challenges will consider each contest or challenge and report it's finding of fact and conclusion of law no later than three working days for the date of notarized complaint filed". NO, the Election Commission did not abide by the Election Ordinance and did not respond to Complaint in three working days.

Based on facts of Law in the Election Ordinance, Is the Election Commission in possession of criminal background checks and negative drug test results of Henny Cleone Whalen. That Appellant is responsible for all costs and fees associated with obtaining criminal background check and negative drug test that is delivered and in possession of the Election Commission. Yes, all cost and fees are paid as the Election Commission is in possession of background checks and a negative drug results

Exhibit J
Plaintiff
3 of 3

of Vice-President candidate Henny Cleone Whalen.

Based on facts of Law that the Supreme Court must only rule on the Election Ordinance 20-13 based on written law and not custom and practice.

Wherefore, be it entered that the Appellant seeks a Reconsideration to overturn Final Order and rule in favor and facts of the law in the Election Ordinance 20-13.

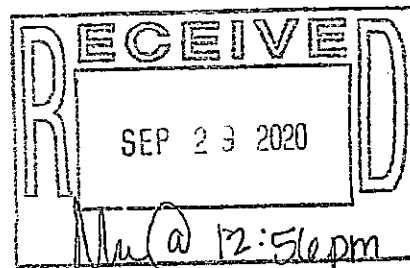
Whereas the Appellant prays the Supreme Court will grant:

1. That Election Commission failed to respond in three working days to Appellant's complaint. Which violated the rights of Henny Cleone Whalen to prepare for timed court proceedings.
2. That the Election Commission violated Appellant's right by using custom and practice as a defense when not applicable to Election Ordinance 20-13.
3. That the Election Commission is in possession of the background checks and negative drug results.
4. That Appellant's right to be on the Primary Ballot is under due process of Law of the Election Ordinance 20-13.

Dated this 29 September, 2020

Henny Cleone Whalen
Appellant

Henny Cleone Whalen
P.O. Box 1687
Pine Ridge, Indian Agency 57770
c. 605-441-6430



ELEC-2020-0001

Exhibit # 43
Plaintiff
10 of 4

CASE NO. ELEC-2020-0001

Whalen v. OST Election Commission

FINAL ORDER 10/05/20

**OGLALA SIOUX TRIBE
SUPREME COURT**

IN THE MATTER OF:

CASE NO. ELEC-2020-0001

The Election Contest of:

HENNY CLEONE WHALEN,
Appellant

FINAL ORDER

V.

2020 OGLALA SIOUX TRIBE
ELECTION COMMISSION,
Respondent

This above Appeal came before the Court on September 11, 2020. The above matter was filed by Appellant, who challenged the OST Election Commission’s decision to reject Appellant’s petition to seek to run for the office of Vice-President of the Oglala Sioux Tribe (“OST” or “Tribe”) because Appellant had failed to submit sufficient proof of completion of a background and drug check, pursuant to Sect. 14(B) of Ordinance No. 18-14, pg. 17, known commonly as the Oglala Sioux Tribe Election Code (“Election Code”), adopted by the Oglala Sioux Tribal Council on June 27, 2018. Appellant, in her filings, cites an “Opinion by a Lawyer” as to the support the Election Commission based their decision upon, but the Election Code itself provides for such requirement for all candidates for the position sought by Appellant to comply with the requirement. 14(B).

The Oglala Sioux Tribe (“OST”) Election Commission (“Commission”) issued Findings of Fact and Conclusions of Law for the above-referenced Appellants’ contest on September 21, 2020, and received by this Court on September 22, 2020.

On September 24, 2020, this Supreme Court denied Appellant’s Appeal, affirming the Commission’s Findings of Fact and Conclusions of Law in its written order.

On September 29, 2020, Appellant filed a Motion for Reconsideration, asserting that the Supreme Court “must only rule on the Election Ordinance 20-13 based on written law and not custom and practice.”

The Court incorporates the above-mentioned filings herein as part of the record.

Exhibit K
Plaintiff
2 of 4

CASE NO. ELEC-2020-0001

Whalen v. OST Election Commission

FINAL ORDER 10/05/20

This Court has reviewed Appellant's Motion, and

A. Jurisdiction

This Court has jurisdiction over this matter pursuant to the Election Code.

Under Sect. 26(A), pg. 36, of the Election Code, decisions of the Election Commission may be appealed to the Supreme Court by any candidate who is directly affected by the decision.

The only Tribal court forum having subject matter jurisdiction over an election challenge is the Supreme Court. *Pg. 37, Sect. 26(D)*.

Based on the record, this Court has personal and subject matter jurisdiction over these proceedings.

B. Standard(s) of Review

Courts only grant reconsideration in *extraordinary* circumstances. Federal Rule of Civil Procedure 59(e) provides that a motion to alter or amend a judgment must be filed within ten (10) days of the entry of the judgment at issue. FED. R. CIV. P. 59(e); see also *Mashpee Wamponoag Tribal Council, Inc. v. Norton*, 336 F.3d 1094, 1098 (D.C. Cir. 2003) (stating that a Rule 59(e) motion "must be filed within 10 days of the challenged order, not including weekends, certain specified national holidays (including Christmas Day and New Year's Day), or any other day appointed as a holiday by the President"). The Court finds that the Request was timely filed.

While the court has considerable discretion in ruling on a Rule 59(e) motion, the reconsideration and amendment of a previous order is an unusual measure. *Firestone v. Firestone*, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curium); *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999). Rule 59(e) motions "need not be granted unless the court finds that there is an intervening change of controlling law, the availability of new evidence, or the need to correct a clear legal error or prevent manifest injustice." *Ciralsky v. Cent. Intelligence Agency*, 355 F.3d 661, 671 (D.C. Cir. 2004) (quoting *Firestone*, 76 F.3d at 1208). Moreover, "[a] Rule 59(e) motion to reconsider is not simply an opportunity to reargue facts and theories upon which a court has already ruled," *New York v. United States*, 880 F. Supp. 37, 38 (D.D.C. 1995), or a vehicle for presenting theories or arguments that could have been advanced earlier. *Kattan v. District of Columbia*, 995 F.2d 274, 276 (D.C. Cir. 1993); *W.C. & A.N. Miller Cos. v. United States*, 173 F.R.D. 1, 3 (D.D.C. 1997).

C. Analysis

Appellant asserts that this Court "prepared a defense for the Election Commission." We find this allegation patently false and pushing the boundaries of decency and decorum.

CASE NO. ELEC-2020-0001

Whalen v. OST Election Commission

FINAL ORDER 10/05/20

This Court's Final Order clearly states the basis for its Final Order, which, as written, concludes that the Commission acted in accordance with the Election Code, and that Appellant otherwise fails to submit an argument that persuades this Court to overturn the Commission's determination. The Court's Denial of Appellant's Appeal does not equate to a "prepared defense for the Election Commission." Appellant would be well-served to temper such allegations.

This Court further notes that Appellant's bald assertion that this Court must *only* base its Standard of Review upon a provision or citation within the Election Code, foregoing all other standards of review and analysis, is not supported in Appellant's brief, and the Court finally notes that its Order, in fact, does *not* conclude that the basis for upholding the Commission's determination is based upon "custom and practice." This is merely an assertion by Appellant. This Court reaches a straightforward conclusion in its Final Order, and it is this: the Commission acted in accordance with the Election Code, and Appellant fails to persuade this Court otherwise. The Commission has the discretion and authority to establish criteria and determine whether Appellant satisfied that criteria. There's no sidestepping the issues here, and this Court has no reason to overturn the findings of the Commission, inasmuch as Appellant failed to, and, in fact, refused to, provide receipts that a background and drug test had been ordered and the results provided to the Commission. This Court does not review and determine facts. That is the role of a lower court. Here, where Appellant raises a dispute as to the facts of the matter, this Court does not rule. This Supreme Court will not hold a trial as to whether or not sufficient submission of certain information has occurred. Here we are some time past the Commission's required deadline for Appellant to provide information as prescribed by the Commission, and this Court can only conclude that Appellant's assertion that it was another third party's responsibility to submit certain information to the Commission, and whether that third party may or may not have submitted that information in a timely and satisfactory manner, is far too much speculation for this Court to reconsider its Final Order. It's simply not for this Court to say whether or not the facts weigh one way or another, but rather, this Court is charged with determining whether a legal basis for reversing the Commission's determination is supported. At the end of the day, this Court finds that the Commission made a determination, the Commission possesses the authority to make that determination, and basic notions of administrative law support this Court's conclusion that this Court should not dictate how the Commission exercises that authority, where the Court finds that the Commission did not exceed or otherwise violate such authority.

Appellant fails to meet the threshold of a change in controlling law, the availability of new evidence or the need to correct clear error in the Commission's determination. As such Appellant's Motion for Reconsideration is DENIED.

ORDER

THIS COURT ORDERS:

Exhibit K
Plaintiff
4 of 4

CASE NO. ELEC-2020-0001

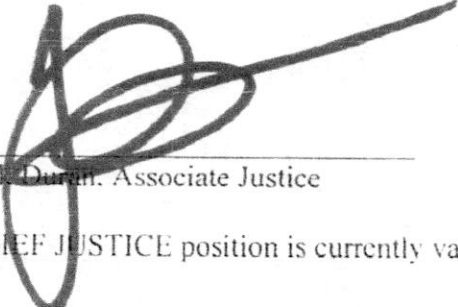
Whalen v. OST Election Commission

FINAL ORDER 10/05/20


1. Appellants' Motion for Reconsideration is hereby DENIED.
2. This Order shall become FINAL after issuance.

IT IS SO ORDERED.

Dated this 5th day of October 2020.



 Jack Duran, Associate Justice




 Eric Eochen, Associate Justice

CHIEF JUSTICE position is currently vacant.



ATTEST:



 Clerk of Supreme Court



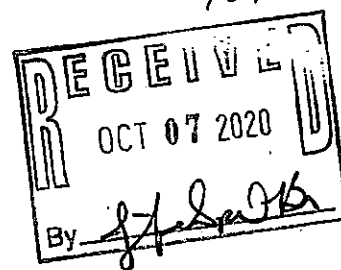
Exhibit # 47
Plaintiff
1 of 2

October 7, 2020

Oglala Sioux Tribal Executive Board
Pine Ridge, South Dakota

RE: Vice-President Candidate Henny Cleone Whalen Complaint

To: Executive Board



The current the Election Commission and the Supreme Court failed to abide by the Election Ordinance. On September 11, 2020 I filed a complaint with the Election Commission since I did not receive notice as to why my name was taken off the O.S.T. Election Commission-Completed Packets as of 9-8-20. I have never received a written response to the complaint. The Election Commission had 3 days to respond. I made numerous phone calls requesting for a response.

On September 21, 2020 I file a motion of Default in Supreme Court as I have not received a response from the Election Commission. My motion was a shot in the dark as I did not know why I was taken off the list.

The Supreme Court Denied my motion. The Supreme Court used Election Ordinance 18-14 to rule. Currently the Election operates under Ordinance 20-13. Upon receiving the the Final Order of Denial attached was the Finding of Fact and Conclusion of Law entered by the Election Commission dated September 17, 2020. The Election Commission failed to cite by Ordinance the alleged violation as to why my name is removed.

Oddly enough and unprecedented the Supreme Court enter an argument for the Election Commission. I did file a motion of Reconsideration on September 29, 2020 in which I have not received a response within the 5 day time frame, which would have been October 5, 2020. I did receive the final order today on October 7, 2020.

What is disturbing the conclusion of the final order states: "At the end of the day, this Court finds that the Commission's determination, the Commission possesses the authority to make that determination, and basis notions of administrative law supports this Court's conclusion that this Court should not

Plaintiff
Exhibit L
2012

dictate how the Commission exercises that authority, where the Court finds that the Commission did not exceed or otherwise violate such authority”.

That the Supreme Court clearly upheld Ordinance No. 15-16 Sovereign Immunity of the Oglala Sioux Tribe which umbrella's department, programs and agencies of the Tribe.

My rights are grossly violated, as the Election Commission under Ordinance No. 15-16 did not have to answer my complaint as the time designated in the Election Ordinance as they have Sovereign Immunity. That the Supreme Court also lapse in the final Order which I was to receive October 5, 2020.

I am requesting the Executive Board allow my name to be place on the primary ballot.

Thanks for the consideration

Henny Cleone Whalen

Henny Cleone Whalen
Oct 7, 2020

Bintul Malik

My comission expires 8-28-2025

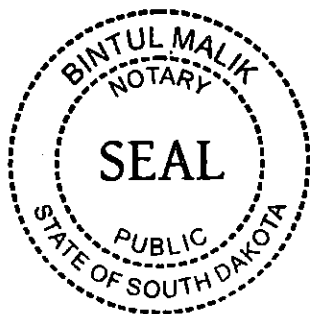


Exhibit M
PLAINTIFF
1 of 4

OGLALA SIOUX TRIBAL SUPREME COURT
PINE RIDGE, SOUTH DAKOTA

(Henny) Cleone Whalen
Plaintiff

Case No ELEC-2020-0009

V

Petition
Null and Void 2020 Primary
General Election
Selection of Election Commission

Election Commission
Mary Felica
Sandra Old Horse
Dorothy Brown Bull
Defendants

AFFIDAVIT OF PREJUDICE

COMES HERE NOW, I, (Henny) Cleone Whalen, Affiant, under oath do swear and declare
statement submitted to the Oglala Sioux Tribal Supreme Court are truthful.

1. That Affiant, is a member of the Oglala Sioux Tribe with an enrollment number U-037499, with an address of P.O. Box 1687 Pine Ridge, South Dakota 57770.
2. That Affiant is a voter in the Oglala Sioux Tribe's Primary and General Election 2020.
3. That Affiant's affidavit is applicable to the Oglala Sioux Tribal Election Code No. 20-13. The Oglala Sioux Tribal Court may find violations in favor of the Affidavit and refer to the Oglala Sioux Tribe's Executive Board.

SECTION 9. DISQUALIFICATION OF ELECTION COMMISSIONER BY AFFIDAVIT

OF PREJUDICE D. Complaints by the Public. The Supreme Court shall also entertain complaints made by members of the public who observe alleged acts of misconduct by an Election Commissioner (s). Complaints shall be in compliance with the requirements of Section B herein.

E. Referral to OST Executive Board. If the Supreme Court finds that a violation has occurred, the matter shall be referred to the OST Executive Committee for their action. The O.S.T. Executive Committee will have the Discretion to immediately remove the Commissioner by

Exhibit M
Plaintiff
2 of 4

majority vote.

4. That the Oglala Sioux Tribal Council approved the Election Ordinance No. 20-13 on February 25th 2020, 17 For; 0 Against; and 0 Not Voting.
5. Election Ordinance No. 20-13 p.5 **SECTION 5 ELECTION DATES**
 - A. Time for Calling Tribal Elections.

The Tribal Council shall officially call all tribal elections at least one-hundred-eighty (180) calendar days or six (6) months before expiration of the term of office of its current members. June 8, 2020, is one-hundred-eighty 180 calendar days or six (6) months and the appropriate date to call tribal elections.
6. That the Oglala Sioux Tribal Council appointed two Election Commissioners Mary Felica and Sandra Old Horse on June 30, 2020. The third Election Commissioner Stephanie Star appointment began July 16, 2020 by a Special Tribal Council meeting.
7. Council on July 16, 2020 approved the Election time frame start date of August 4, 2020 to call an election. The date August 4, 2020 ending December 4, 2020 with Oglala Sioux Tribal Council acknowledgment of the passing Election Ordinance No. 20-13 violated p.5 Section 5 A. as merely one-hundred-twenty three (123) calendar days is the election period.
8. Oglala Sioux Tribal Constitution and By Laws Article XXIII- Responsibilities of Executive Committee. Sec 1. It shall be the duty of the President to preside over all meetings of the Tribal Council and to carry out all orders of the Tribal Council unless prevented by just cause...That the Election Ordinance passage on February 25, 2020 is ample time to advertise and select the Election Commissioners prior to June 8, 2020.
9. That it is the Election Commissioner responsibility to execute the Election Ordinance and provide a time frame of One-hundred-eighty 180 days or six (6) months for the election process.
10. That the short time frame allowed numerous violation in which the candidates challenge the election with a majority of challenges dismissed.

Exhibit M
Plaintiff
3 of 4

11. That the Oglala Sioux Tribal Council violated ARTICLE III GOVERNING BODY Section 2.

Each district of the reservation as follows, shall be entitled to representation on the tribal council according to it's population as herein provided:

Oglala District: Tribal Council shall describe boundaries by ordinance with local participation, through district hearing. The Oglala Sioux Tribal Constitution states the same Wakapmni, Wounded Knee, Porcupine, Medicine Root, Eagle Nest Pass Creek, LaCreek, and Pine Ridge District. That the district boundaries are not established and approved by the Department of Interior. The Pine Ridge Indian Agency is established by far the districts and are not include in defining the boundaries of each district within the the Pine Ridge Indian Agency.

12. That the Oglala Sioux Tribal Council forces the Election Commission to hold an unconstitutional election without properly identified boundaries. Oglala Sioux Tribal Election Ordinance No. 20-13 p.7 SECTION 6. VOTING C. Voting in a District Other than Voter's Home District.

Any qualified voter may vote at any District within the Reservation under the appropriate oath of eligibility by challenge ballot, as set forth in Sect 22 (B). That p. 17 SECTION 13.

VOTERS AND VOTER LIST B. Polling Site for Eligible Voter

Each voter shall be encouraged to vote in the election DISTRICT in which his/her permanent residence is located...

Wherefore the Plaintiff has participated in an illegal election process without a proper time frame and without Constitutional boundaries.

That Plaintiff pray this court grant:

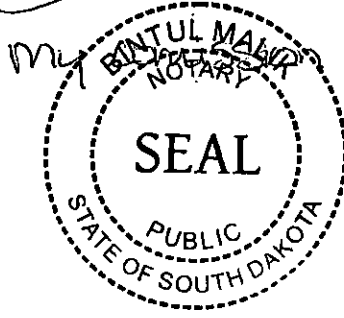
1. 2020 Primary and General election are in direct violation of the time frame as stated in the Election Ordinance declare null and void.
2. 2020 Primary and General election is unconstitutional due to no boundaries.
3. Select an Election Commission that will uphold the Oglala Sioux Tribal Election

Exhibit M
Plaintiff
4 of 4

Ordinance and Constitution.

Henny Cleone Whalen Date Nov 3, 2020
(Henny) Cleone Whalen
P.O. Box 1687
Pine Ridge, South Dakota 57770
c. 441-6430

Burt Malin



my seal expires 8-28-2025

RECEIVED
NOV - 3 2020
Mm @ 3:12 pm
ELEC-2020-0009

Exhibit N
Plaintiff
1072

OGLALA SIOUX TRIBAL SUPREME COURT
PINE RIDGE, SOUTH DAKOTA

Mary Red Hawk
Plaintiff

Case No ELEC-2020-0010

V

Election Commission
Defendants

Petition
Remove Election Commission
Authorize New Primary and
General Election

AFFIDAVIT OF PREJUDICE

COMES HERE NOW, I, Mary Red Hawk, Affiant, under oath do swear and declare statement submitted to the Oglala Sioux Tribal Supreme Court are truthful.

1. That Affiant, is a member of the Oglala Sioux Tribe with an enrollment number U-37544, with an address of P.O. Box 2037 Pine Ridge, South Dakota 57770.
2. That Affiant is the designated observer for Oglala Sioux Tribal President candidate Kevin Killer.
3. That Affiant, did witness Julian Bear Runner Oglala Sioux Tribal President candidate, Chase Iron Eyes Oglala Sioux Tribal President candidate and Dakota High Hawk Wounded Knee Council Representative candidate present in Election Office on October 13, 2020 during counting of the Primary Election ballots.
4. That Election Commissioners, Sandra Old Horse, Dorothy Brown Bull and Mary Felica did not remove candidates from the process of counting ballots.
5. That the present of candidates did violate Oglala Sioux Tribal Election Ordinance 20-13 Section 20 General Election Results B. Observers for Counting Ballots. Each candidate may designate one individual as an observer of the Commission's count of the ballots in his/her respective Primary, General or Special Election race. Observers shall not participate in, or interfere with, the counting of ballots by the Commission, and may be ejected from the building

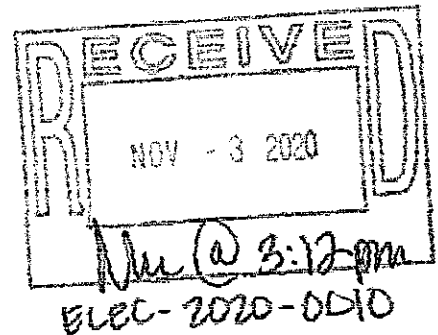
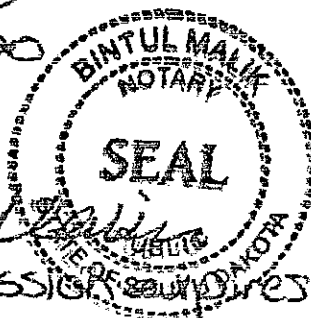
by the Commission for interfering with or disrupting the ballot count.

- 6. That candidates are allow Section 20 General Results D. Presence of Candidate and Observer during Recount permitted. The challenging candidate and the winning candidate and/or their observers may be present during the recount, but are prohibited from threatening, interfering, or obstructing the recount process...
- 7. That Affiant did observe challenge ballots stacked up on a chair, west end of the room and not in a secure locked box on October 13, 2020.
- 8. The Affiant is the official observer for Kevin Killer, As stated in Election Ordinance No. 20-13 Section 24. RECOUNT D. Presence of Candidate and Observer during Recount Permitted "All persons appointed as an observer for a candidate must have a written authorization from candidate prior to being allowed as an observer." That the written authorization for Affiant is on file with the Election Commission. Affiant was denied access by Election Commissioner Mary Felica into the Election Office during the count of the challenge ballots.

That statement is truthful and relief is requested as follow:

- 1. That stated allegation is justification for the Election Commissioners to be removed from duties as Oglala Sioux Tribal Election Commission for blatant violation of the Election Ordinance.
- 2. A new primary and general election is warranted for gross negligence of unsecured challenge ballot placement.

Mary Red Hawk
 Mary Red Hawk-Plaintiff 113-20
 P.O. Box 2037
 Pine Ridge, South Dakota 57770
 c. 308-360-1571



Bintul Malki
 My Commission Expires 8-28-2025

Exhibit 0
Plaintiff
1 of 2

OGLALA SIOUX TRIBAL SUPREME COURT
PINE RIDGE, SOUTH DAKOTA

Darren Janis
Plaintiff

Case No ELEC-2020-0011

V

Petition
Remove Election Commissioners

Election Commission
Sandra Old Horse
Mary Felica
Dorothy Brown Bull
Defendants

AFFIDAVIT OF PREJUDICE

COMES HERE NOW, I, Darrin G. Janis, Affiant, under oath do swear and declare statement submitted to the Oglala Sioux Tribal Supreme Court are truthful.

1. That Affiant, is a member of the Oglala Sioux Tribe with an enrollment number U-030248, with an address of P.O. Box 83 Pine Ridge, South Dakota 57770.
2. That the Election Commission hired Affiant to perform Teller duties in Wounded Knee at the Church of God during the Primary Elections.
3. That the polls opened promptly at 7:00 a.m.
4. The some men delivered paper election ballots with Joe American Horse's name on it at 10:30 a.m. well after the start of the 7:00 a.m. primary election.
5. That some men delivered personal protective equipment to the precinct at 11:00 a.m.
6. That the Wounded Knee Church of God precinct ran out of challenge envelopes which was relayed to the Election Commission office. The precinct never received any challenge envelopes Several calls were placed to the Election Commission with out the calls being answered or calls returned.
7. That the Oglala Sioux Tribal Election Ordinance No.20-13 p.33 B. Challenge Ballots...The ballot of any person not on the official voters list shall be placed in a sealed envelope of the

Exhibit 0
plaintiff
2022

voter whose ballot is contained. That the precinct worker wrapped challenge votes in paper and tape.

- 8. That Affiant, did not know that a Election Commissioner was release from quarantine to conduct election. That another Election Commissioner also tested positive during the Primary Election process.
- 9. That the covid positive Election Commissioners, wore their mask improperly transmitting the Covid virus to the Affiant upon close contact with one commissioner for 5 minutes and the other 10 minutes during the Orientation and Training.
- 10. That the Election Commissioners violated Election Ordinance No. 20-13 p.8 SECTION &7. **GUIDELINES FO CONDUCTING ELECTIONS.** 6. Gross misconduct. That it was a Presidential approval for for the quarantine election commissioner to conduct the Election process. Which violated the quarantine ordinance.

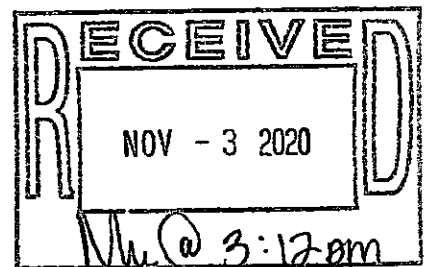
Affiant, prays this Court grant:

- 1. Removal of Election Officers knowingly through gross misconduct left the quarantine site to infect others with covid.

Darrin Janis

Darrin Janis
P.O. Box 88
Pine Ridge, South Dakota 57770
c.605-944-1062

Date 11/3/20



ELEC-2020-0011

Bintul Malika

my commission expires 8.28.2025

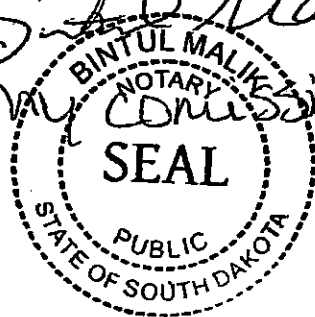


Exhibit P
Plaintiff
1 of 3

OGLALA SIOUX TRIBE

SUPREME COURT

IN THE MATTERS OF:

CASES NO. 2020, 09, 10, 11

ELECTION APPEALS OF CELONE WHALEN,
MARY REDHAWK AND DARREN JANIS

Appellants

FINAL ORDER(s)

V.

OGLALA SIOUX TRIBE ELECTION COMMISSION

Respondent

The above matters, taken together, relates to the complaints of three (3) non-candidates for the 2020 Tribal Election. Appellants WHALEN, REDHAWK AND JANIS, all have filed appeals for various non-candidate related observations and complaints against the Tribe's Election Committee, its members and Election Commission. The Appeals, all signed under oath, comprise several pages of incohesive allegations containing zero evidence or serious allegations that would effect the Tribe's elections or the tribal democratic process. For example, Appellant Whalen complains that the Committee allegedly placed ballots on a chair and not in a secure location. Appellant Redhawk observed candidates observing the vote count process. Finally Appellant Janis complains that the Election violated the Tribe's quarantine ordinance. Nearly all request some type of discipline or outright removal of Election Commissioners. All appeals fail to cite that Appellant filer was an election candidate in the 2020 Primary or General Election. Being an Election Candidate is prerequisite, under the OST Election Code Sections 25 and 26, to filing an election appeal subject to a decision by the Election Commission and thereafter an appeal to the OST Supreme Court. In sum, as Appellants were not candidate's for elective office – and no appeal can be taken.

OST Election Appeals pursuant to Election Code Section 25 and 26, pg. 32, are exceedingly narrow in scope. One must be a candidate for an elective office who thereafter files an appeal with the Election Commission alleging some election related grievance, prior to the appeal being within the jurisdiction of the Election Commission and thereafter possibly the OST Supreme Court. The OST Supreme Court has neither the time or interest in adjudicating *trivial* matters such as those asserted by appellants who for whatever reason seem to gripe about matters that do not even remotely impact a full and fair democratic election. Trivial matters such as these are better suited for the electorate, who are elected by the people to serve *them* as opposed

Exhibit P
PLAINTIFF
2 of 3

CASEs NO.2020, 09, 10 & 11,

FINAL ORDER 11/09/20

to the Court which as a “court of law” and rules only on legal issues, not factual ones. The Court will not give life to these trivial matters by entertaining them further. These appeals are summarily **DISMISSED with prejudice** to any future reconsideration.

A. Jurisdiction

Appellants were not Election Candidates under Section 25 or 26 of the Election Code. Therefore, the Court lacks jurisdiction over this appeal. In this case, as a threshold matter, neither the Oglala Sioux Tribe’s (“OST”) Election Commission or Supreme Court have jurisdiction to review the appeals. Therefore, the OST Supreme Court does not yet, and may never, have jurisdiction to determine these appeals as Election Code Section 26(A) has not been complied with. Further, the OST Election Commission should not review the information contained in the appeal because jurisdiction is lacking.

B. Holding

The Court does not have jurisdiction over this appeal. This matter is summarily **DISMISSED**.

ORDER

THIS COURT ORDERS:

1. The cases are to be **DISMISSED** for lack of jurisdiction.
2. The Clerk is directed to close the cases and Appellants are *barred* from seeking any future relief under the facts as plead in their appeals.
3. This Order shall become **FINAL** after issuance.

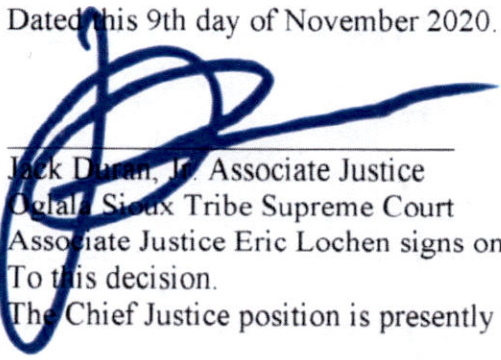
Exhibit P
Plaintiff
3 of 3

CASEs NO.2020, 09, 10 & 11,

FINAL ORDER 11/09/20

IT IS SO ORDERED.

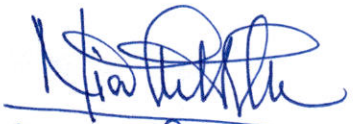
Dated this 9th day of November 2020.



Jack Duran, Jr. Associate Justice
Oglala Sioux Tribe Supreme Court
Associate Justice Eric Lochen signs on
To this decision.
The Chief Justice position is presently VACANT.



ATTEST:



Clerk of Supreme Court

