

**IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY
IN THE STATE OF ARIZONA**

In the Matter of:

COMMUTATION OF SENTENCE
HEARINGS AND SCHEDULE

ADMINISTRATIVE ORDER
NO. 2021-01

Gila River Indian Community Code Title 5, Chapter 4, § 5.411, Commutation, permits a defendant the opportunity to seek commutation of their sentence. GRIC Rules of Criminal Procedure Rule 37, Commutation, authorizes the court to set regular time periods for commutation review hearings.

IT IS ORDERED adopting the attached Commutation of Sentence Policy to become effective January 1, 2021, and continuing thereafter until further order of the Court or upon enactment of superseding legislation.

IT IS HEREBY ORDERED that the schedule for filing all commutation motions and commutation hearings, if granted, shall be as follows:

Filing Deadline:

February 26, 2021
May 21, 2021
August 27, 2021
November 19, 2021

Commutation Hearings:

March 26, 2021
June 18, 2021
September 24, 2021
December 17, 2021

DATED this 22th day of February, 2021.



Honorable Joseph Manuel, Chief Judge

GILA RIVER INDIAN COMMUNITY COURT COMMUTATION OF SENTENCE

Renewed by Administrative Order 2021-01

1. Purpose.

The Gila River Indian Community Code Title 5, Chapter 4, § 5.411 permits a Defendant to seek commutation of their sentence. This policy provides additional guidance to the Gila River Indian Community Court (Court), Department of Rehabilitation and Supervision (DRS), Probation Department, and Court practitioners for submitting and processing commutation requests.

2. Frequency.

The Court shall accept commutation applications quarterly as scheduled by the Chief Judge or at times prescribed by legislation. The schedule shall list the deadline for the filing of applications and hearing dates for oral arguments for those Defendants deemed eligible by the Court.

3. Application.

- (a) A Defendant shall complete a Commutation of Sentence application (See Attachment A) prior to the filing deadline. A Defendant may submit additional material (e.g., letters, recommendations, and certificates) to the application.
- (b) Defendant's Counsel. Defendants represented by counsel shall also submit a Commutation of Sentence application. Counsel may submit additional material with the application.
- (c) DRS shall provide a status report for each Defendant seeking commutation with the application.
- (d) Applications not received by the Court by the filing deadline shall be automatically denied.

4. Timeframe.

- (a) Filing deadline. The filing deadline for all applications shall be twenty-eight (28) calendar days prior to the scheduled hearing date. The Court shall transmit the applications and case files to a judge, assigned by the Chief Judge, soon after receipt.
- (b) Court Review. The assigned judge shall assess the applications within five (5) days after the filing deadline. After the five (5) day review, the judge shall issue a written list of Defendants deemed eligible for a commutation hearing. The judge shall issue a written order for each Defendant denied a commutation hearing and the reasons for denial.
- (c) Probation Department. Upon receipt of the eligible Defendants, the Probation Department shall begin to prepare a report with recommendations on the commutation application no later than twenty (20) days prior to the scheduled hearing date. The Probation Department's report shall be due no later than five (5) days prior to the scheduled hearing date. The report shall be distributed to the judge, Defendant or Defendant's counsel, Office of the Prosecutor and other relevant parties.

5. Victim's Rights.

All parties shall comply with the provisions of the Victim's Rights Ordinance, Gila River Indian Community Code Title 5, Chapter 7, § 5.1701 *et al.*, during the commutation process unless those rights have been waived in accordance with GRIC Code § 5.1701(E).

6. Final Review.

No more than fifteen (15) days after the hearing date, the judge shall issue a written order granting or denying commutation and the reasons for such decision.

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ATTACHMENT A

**IN THE GILA RIVER INDIAN COMMUNITY COURT
IN THE STATE OF ARIZONA**

Court use only

GILA RIVER INDIAN COMMUNITY,)
)
 Plaintiff,)
)
 vs.)
)
)
 _____,)
 Defendant.)
 _____)

Case No. _____

List All Cases

MOTION FOR COMMUTATION

COMES NOW the Defendant and pursuant to Title 5, Chapter 4, Section 5.411 of the Gila River Indian Community Law and Order Code, moves the Court to commute to a lesser period the sentence of imprisonment imposed. In support hereof, Defendant asserts that justice will be served by reducing the sentence as set forth fully in the Memorandum attached hereto and incorporated herein by reference. Defendant further asserts that this Motion is reasonably supported by facts and law and is not frivolous or vexatious.

WHEREFORE, Defendant, having fully set forth and supported his or her grounds, prays that the Court grant this Motion and commute his or her sentence of imprisonment.

RESPECTFULLY SUBMITTED this _____ day of _____, 2021.

(Defendant's signature)

MEMORANDUM IN SUPPORT OF MOTION FOR COMMUTATION

Please list the current offense(s) to be considered for Commutation of Sentence.

CASE NO. / COUNT	OFFENSE	SENTENCE IMPOSED	AMOUNT OF REDUCTION REQUESTED
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

1. Date of sentencing: _____.
2. Date sentence began: _____.
3. This sentence was the result of a plea agreement. ☐ yes ☐ no
4. Defendant has served without misconduct during the period of sentence in the above-referenced case.
5. Defendant has performed satisfactory work during the period of sentence.
6. Describe your involvement in the specific crime(s) for which you are seeking a commutation of sentence.
7. Describe what positive accomplishments you have achieved since your imprisonment (e.g., participation in available educational, vocational and therapeutic programs, attainment of trustee status, and participation in work programs).

8. What are your plans upon returning to the Community?

9. How will the interests of justice be served by reducing your sentence?

10. Give any other information you believe the Judge should consider.

11. I have also requested recommendations from the Probation Department and a status report from the Department of Rehabilitation and Supervision. Copies of the requests are attached. I have also attached any letters in support of my request.

Memorandum for Commutation – Page 3

12. I am making this request in good faith and for the reasons listed above. I ask that the Court review, and if found eligible, hear this matter at the first available date scheduled for commutation requests. I further ask that the Court excuse any mistakes I have made in preparing the Motion of this Memorandum.

RESPECTFULLY SUBMITTED this _____ day of _____, 2021.

(Signature)

(Print name)

COPY of this Motion forwarded via Corrections Officer _____