



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF THE FORFEITURE)
OF COLLATERAL IN LIEU OF APPEARANCE)
IN MISDEMEANORS COMMITTED BY)
NON-INDIANS IN INDIAN COUNTRY)

ORDER

Within the jurisdiction of the United States District Court in the District of North Dakota there are several Indian reservations, which reservations are defined as "Indian country" in Title 18, United States Code, Section 1151.

From time to time, non-Indians engage in activity on these reservations which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted by them within the jurisdiction of the State of North Dakota. Such activity and such non-Indians are within the jurisdiction of the United States District Court pursuant to Title 18, United States Code, Sections 1152 and 13. Such non-Indians may be charged, convicted, and punished of an offense defined by state law.

Recognizing the great distances involved between the reservations and the federal judiciary and courtrooms, and in the interest of justice, the United States District Court hereby establishes a citation system to be used in Indian country to charge and process such non-Indians for misdemeanor violations.

NOW, THEREFORE, IT IS ORDERED:

1. A uniform citation form shall be prepared and made available to all appropriate law enforcement personnel who are authorized to issue summonses in Indian country. A copy of the proposed "Uniform Complaint and Summons" is attached as Exhibit "A."

2. Law enforcement personnel shall have the authority to issue citations to non-Indians who allegedly commit misdemeanor violations in Indian country.

3. A uniform list of said misdemeanors is attached as Exhibit "B." Said list includes a corresponding bond provision amount, which will allow a person issued a citation the opportunity to appear before a United States Magistrate Judge for hearing or to simply submit the bond amount to the Clerk of the United States District Court in lieu of an appearance. Some misdemeanors will require an appearance before a Magistrate Judge and, in those cases, the law enforcement officer will so indicate on the Uniform Complaint and Summons form.

Dated this 3rd day of June, 1998.



RODNEY S. WEBB, Chief Judge
United States District Court



PATRICK A. CONMY, Judge
United States District Court

UNITED STATES DISTRICT COURT - DISTRICT OF NORTH DAKOTA

Uniform Complaint and Summons No. _____

1. VIOLATION CHARGED

Offense Code: 18 U.S.C. §§ 1152 & 13 & N.D.Cent. Code Citation _____ OR _____ U.S.C. § _____

Offense Description: _____

Place/Location of Offense: _____

2. AGAINST THIS PERSON [The Defendant]

Name: _____ Date of Birth: _____
Address: _____ Social Security No.: _____
Height: _____
Telephone: _____ Weight: _____
Employer: _____ Hair Color: _____
Employment Address: _____ Eye Color: _____
Race: _____
Telephone: _____ Sex: _____

3. STATEMENT OF PROBABLE CAUSE (for issuance of an arrest warrant or summons)

I state that on _____, 19____, while exercising my duties as a law enforcement officer at or near _____, I _____ (Begin statement of probable cause here)

The foregoing statement is based upon:
_____ my personal observation
_____ my personal investigation
_____ information supplied to me from my fellow officer's observation
_____ other: _____

I declare under penalty of perjury that the information which I have set forth above and on the facts of this Uniform Complaint and Summons is true and correct to the best of my knowledge.

Dated: _____

Officer's Signature

Print Name and Title

4. BOND

Bond fee amount \$ _____

MANDATORY APPEARANCE: If this line is checked, you must appear in court at the time and place shown at Section 5. If no court appearance date is shown, you will be notified of the date by mail. **IF YOU DO NOT APPEAR AS REQUIRED, A WARRANT FOR YOUR ARREST WILL BE ISSUED.**

OPTIONAL APPEARANCE: If this line is checked, you must either:

1. Pay the bond fee amount shown within 14 days of the date you are given this complaint. If you choose to do this, go to Section 7 entitled "AGREEMENT TO FORFEIT BOND" below and follow those directions; or
2. Appear in court at the date, time, and place shown at Section 5 below to contest the charge against you. If you choose to do this, go to Section 8 entitled "REQUEST FOR HEARING" below and follow those directions. You will still be required to submit the bond fee amount, which will be held by the court pending your hearing.

5. SUMMONS FOR COURT APPEARANCE

THE UNITED STATES DISTRICT COURT TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned to appear in the United States District Court to answer the above charge. If no court appearance date is shown below, you will be notified of your appearance date by mail. If you fail to appear or post bond, a warrant will be issued for your arrest.

Date: _____ Time: _____
Location: _____
Magistrate Judge: _____

6. PROMISE TO APPEAR

My signature below signifies that I have received a copy of the uniform complaint and summons. It is not an admission of guilt. I promise to appear at the court hearing set for the date, time, and place specified above or any other date set by the court in the future.

Dated: _____
_____ Defendant's Signature

7. AGREEMENT TO FORFEIT BOND

I enclose the amount of the bond fee noted on this complaint and hereby agree to forfeit (pay) that amount.

Dated: _____
_____ Defendant's Signature

NOTICE: IF A BOND FEE AMOUNT IS INDICATED AT SECTION 4, THAT AMOUNT AND THIS FORM WITH YOUR SIGNATURE ON IT MUST BE RECEIVED BY THE CLERK OF THE U.S. DISTRICT COURT, P.O. BOX 1193, BISMARCK, ND 58502-1193, WITHIN 14 DAYS OF THE DATE THIS COMPLAINT WAS GIVEN TO YOU. IF YOU CHOOSE TO FORFEIT THE BOND FEE AMOUNT AND DO NOT CONTEST THE CHARGE, NO FURTHER ACTION IS NECESSARY. IF YOU DO NOT FORFEIT THE BOND FEE AMOUNT WITHIN 14 DAYS, YOU ARE REQUIRED TO APPEAR IN COURT.

MAKE CHECKS PAYABLE TO THE CLERK OF THE U.S. DISTRICT COURT. CANADIAN RESIDENTS MAKE PAYMENT BY UNITED STATES MONEY ORDER.

IF YOU DO NOT SUBMIT THE BOND AMOUNT, OR APPEAR IN COURT WHEN REQUIRED, A WARRANT FOR YOUR ARREST WILL BE ISSUED.

8. REQUEST FOR HEARING

I enclose the designated bond amount and hereby request a hearing on the charge listed in this complaint. As stated in Section 6 above, I promise to appear at the date, time and place specified for the hearing.

Dated: _____
_____ Defendant's Signature

NOTICE: IF YOU CHOOSE TO CONTEST THE CHARGE, YOU MUST REQUEST THE HEARING WHEN YOU MAIL THE BOND FEE AMOUNT WHICH IS DUE WITHIN 14 DAYS OF THE DATE THIS COMPLAINT WAS GIVEN TO YOU. IF A DATE FOR THE HEARING IS NOT LISTED IN SECTION 5 ABOVE, YOU WILL BE NOTIFIED BY MAIL OF THE HEARING DATE. FOR MORE INFORMATION CALL THE OFFICE OF THE CLERK OF COURT AT (701) 250-4295.

THE BOND FEE AMOUNT MUST STILL BE PAID. MAKE CHECKS PAYABLE TO THE CLERK OF THE U.S. DISTRICT COURT. MAIL YOUR CHECK AND THIS FORM, AFTER YOU HAVE PROPERLY SIGNED IT, TO P.O. BOX 1193, BISMARCK, ND 58502-1193, WITHIN 14 DAYS OF THE DATE THIS COMPLAINT WAS GIVEN TO YOU. CANADIAN RESIDENTS MAKE PAYMENT BY UNITED STATES MONEY ORDER.

IF YOU DO NOT SUBMIT THE BOND AMOUNT, OR APPEAR IN COURT WHEN REQUIRED, A WARRANT FOR YOUR ARREST WILL BE ISSUED.

LIST OF VIOLATIONS COMMITTED BY NON-INDIANS IN INDIAN COUNTRY WHICH ARE SUBJECT TO THE UNITED STATES DISTRICT COURT UNIFORM CITATION PROCESS AND BOND SCHEDULE.

Said violations are chargeable pursuant to Title 18, United States Code, Sections 1152 and 13, and the listed relevant North Dakota Century Code and United States Code citations.

<u>Violation Charged</u>	<u>N.D. Century Code Statutory Citation</u>	<u>Required Bond Amount</u>
Delivery of alcoholic beverages to a person under 21 years of age	5-01-09	\$250
Criminal attempt	12.1-06-01	\$250
Criminal facilitation	12.1-06-02	\$250
Criminal solicitation	12.1-06-03	\$250
Obstruction of government function	12.1-08-01	\$500
Preventing arrest or discharge of other duties	12.1-08-02	\$500
Hindering law enforcement	12.1-08-03	\$500
Aiding consummation of crime	12.1-08-04	\$100
Failure to appear after release	12.1-08-05	\$200
Criminal contempt	12.1-10-01	\$100
Failure to appear as witness, produce information, or be sworn	12.1-10-02	\$100
Refusal to testify	12.1-10-03	\$100
Hindering official proceeding	12.1-10-04	\$200
False statements	12.1-11-02	\$200
False report to law enforcement	12.1-11-03	\$100

<u>Violation Charged</u>	<u>N.D. Century Code Statutory Citation</u>	<u>Required Bond Amount</u>
Tampering with public records	12.1-11-05	\$100
Impersonating officials	12.1-13-04	\$200
Discrimination in public places	12.1-14-04	\$100
Preventing exercise of civil rights	12.1-14-05	\$100
Criminal defamation	12.1-15.01	\$100
Interception of correspondence	12.1-15-05	\$100
Menacing	12.1-17-05	\$500
Criminal coercion	12.1-17-06	\$250
Harassment	12.1-17-07	\$100
Unlawful imprisonment	12.1-18-03	\$200
Indecent exposure	12.1-20-12.1	\$200
Criminal mischief	12.1-21-05	\$500
Criminal trespass on buildings and grounds	12.1-22-03(2)(3)	\$200
Removal of identification marks from property	12.1-22-08.1	\$300
Theft of cable services	12.1-23.1-01	\$100
Engaging in riot	12.1-25-03	\$500
Prostitution	12.1-29-03	\$500
Disorderly conduct	12.1-31-01	\$500
Contributing to the delinquency of a minor	14-10-06	\$500

<u>Violation Charged</u>	<u>United States Code Citation</u>	<u>Required Bond Amount</u>
Assault by striking, beating, or wounding	18 U.S.C. § 113(a)(4)	Mandatory appearance
Simple assault	18 U.S.C. § 113(a)(5)	Mandatory appearance
Theft under \$1,000	18 U.S.C. § 661	\$100 minimum or twice the value of the property taken, whichever is greater

**In the Matter of the Forfeiture of Collateral in Lieu of
Appearance in Misdemeanors Committed by Non-Indians
In Indian Country**

Copies of order filed June 8, 1998 distributed to:

The Hon. Rodney S. Webb
The Hon. Patrick A. Conmy
The Hon. Karen Klein
The Hon. Dwight C.H. Kautzmann
The Hon. Alice R. Senechal
Edward J. Klecker, Clerk, U.S. District Court
John Schneider, U.S. Attorney
Richard Crawford, Chief Probation Officer
Brian Berg, U.S. Marshal
Craig Welkin, FBI

Please distribute within your agency/office as you deem appropriate