



## Walker River Paiute Tribe

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**RESOLUTION OF THE GOVERNING BODY  
OF THE  
WALKER RIVER PAIUTE TRIBE  
RESOLUTION NO. WR-77-2021**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:**

**WHEREAS,** the governing body of the Walker River Paiute Tribe ("Tribe") is organized under the provisions of the Indian Reorganization Act of June, 1934, as amended, to exercise certain rights of home rule and to be responsible for the promotion of the economic and social welfare of its members; and

**WHEREAS,** the Tribe's Constitution and By-Laws create the foundation for the governance of the Tribe and the framework for all Tribal operations and authorizes the Walker River Paiute Tribal Council to act on behalf of the Walker River Paiute Tribe and to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Reservation; and

**WHEREAS:** pursuant to this power, the Tribal Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's jurisdiction; and

**WHEREAS:** the Tribal Council has recognized the importance of reviewing and updating the Law & Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living, visiting and working on Tribal lands; and

**WHEREAS:** to meet this goal, the Tribal Council drafted a new Title 6 of the Law & Order Code titled "Rules of Evidence"; and

**WHEREAS:** the new proposed Title 6 was posted for at least thirty days to allow for public comment, the Tribal Council considered the comments and is now prepared to take action to approve Title 6;

**NOW THEREFORE BE IT RESOLVED** by the Walker River Tribal Council, the governing body of the Walker River Paiute Tribe, hereby adopts, approves and promulgates the attached

version of Title 6 titled "Rules of Evidence" of the Tribe's Law & Order Code, which shall go into effect upon approval of the Bureau of Indian Affairs, and which shall supersede and replace any and all prior versions of Title 6;


**BE IT FINALLY RESOLVED** that the Walker River Tribal Council hereby directs that the Tribal Court make Title 6 of the Law & Order Code available to those Tribal members and attorneys/advocates who request a copy. The expense for each copy will be at the cost of the requester.

**BE IT FURTHER RESOLVED**, that the Tribal Chairwoman or her designee is hereby authorized to effectuate any and all administrative actions necessary for the implementation of this resolution and the approved Title 6 of the Law & Order Code.

**BE IT FINALLY RESOLVED**, that nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Tribe.

### CERTIFICATION

It is hereby certified that the foregoing resolution of the Walker River Paiute Tribal Council of the Walker River Paiute Tribe composes of seven members, of whom 7, constituting a quorum were present at a meeting held on the 8<sup>th</sup> day of July 2021, and that the foregoing resolution was adopted by the affirmative vote of 6-FOR and 0-AGAINST and 0-ABSTENTIONS, pursuant to the authority contained in Article VI, Section I(e), of the Constitution and Bylaws of the Walker River Paiute Tribe of Nevada, approved on March 26, 1937.

  
Gina L. Wachsmuth, Tribal Council Secretary  
WALKER RIVER PAIUTE TRIBE



**Walker River Paiute Tribe**  
*Tribal Court*

# **Title 6**

# **Rules of**

# **Evidence**

Title 6 Approved by Walker River Tribal Council on July 7, 2021  
Resolution No. 77-77-2021  
Effective \_\_\_\_\_, 2021

LAW AND ORDER CODE  
TITLE 6 – RULES OF EVIDENCE

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LAW AND ORDER CODE

TITLE 6

RULES OF EVIDENCE

6-10 DEFINITIONS

- 6-10-010 Evidence – Statements and answers given by a witness, documents, objects, or anything else presented to the senses of the jury, or the judge, or which is judicially noticed.
- 6-10-020 Impeachment Evidence – Evidence introduced for the purpose of showing that a witness's testimony or other evidence is not to be believed. It may take the form of further evidence contradicting what the witness has said, or evidence that raises questions about the witness's reliability or credibility in general.
- 6-10-030 Relevant Evidence – Evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.
- 6-10-040 Natural Person and Person – A human being. The "person" may also include, when appropriate, a corporation, association, or other organization.
- 6-10-050 Presumption – A conclusion required by law to be drawn from certain evidence, in the absence of any conflicting evidence, in the absence of any conflicting evidence. Any presumption rebutted by a preponderance of the evidence disappears.
- 6-10-060 Representative – A person who has been asked by a client to provide legal, financial, or accounting advice, or help in representing the client in front of any court.

6-20 ADMISSIBILITY IN GENERAL –

- 6-20-010 Relevance –
- (a) All relevant evidence is admissible, except:
    - (1) As otherwise provided by provision of the United States Constitution or Federal Law that are applicable to Tribal Court; or
    - (2) When excluded by this title.
  - (b) Evidence that is not relevant is not admissible.
- 6-20-020 Objections to Evidence –
- (a) Any party may object to a question asked a witness, or an answer of a witness, or any other piece of evidence presented. If the Judge finds the evidence is admissible, he shall overrule the objection. If the Judge finds that the evidence is inadmissible, he shall sustain the objection, exclude the

evidence, and, when appropriate instruct the jury to disregard any inadmissible evidence that has already been introduced, presented, or otherwise disclosed to the jury.

- (b) Evidence admitted in the Tribal Court must be related either to the issues before the court, or to the weight and credibility that should be given to other evidence. When questioned by the judge or another party as to why certain evidence should be allowed, the party who wishes to present the evidence shall:
  - (1) State the issue that he or she will use the evidence to resolve; and
  - (2) Explain how the evidence is relevant to the issue.
  - (3) When the relevance or reliability of evidence is challenged, the judge shall decide whether or not to use the evidence, and explain the decision.
- (c) If no objections are made during trial, a ruling of a Trial Judge as to whether or not a piece of evidence is admissible may not be questioned on appeal unless otherwise provided by the Code.

6-20-030 Personal Knowledge - A witness is only permitted to testify to matters within his or her personal knowledge, and, when appropriate under these rules, may provide an opinion on a matter. "Personal knowledge" means that the witness must have personally observed the matter and must have a present recollection of his or her observation.

6-20-040 Lay Opinion - Lay opinions are admissible only where it is based on the perception of the witness and where it is likely to help the finder of fact determine a fact in issue. In general, a lay witness may testify as to the general appearance and condition of a person.

6-20-050 Unfair Prejudice - The Court has the discretion to exclude relevant evidence if its probative value is substantially outweighed by the danger of unfair prejudice. Evidence is excludable if it is inflammatory, will result in confusion of the issues, will result in misleading the finder of fact, is cumulative or an undue consumption of time.

6-20-060 Appeals - If evidence is offered by one party and objected to by another, the Trial Judge's decision on whether or not to admit the evidence may be appealed after trial except that:

- (a) A prosecutor in a criminal case may not appeal if the defendant is found not guilty.
- (b) No party may appeal a ruling by the Trial Judge as to the admissibility of evidence unless they are aggrieved by the final decision in the case and assert that the ruling in question is responsible for the final decision complained of.

6-20-070 Effect of Decision on Appeal – If the Appeals Court decides:

- (a) That the Trial Judge's ruling was in error; and
- (b) That the error may have affected the outcome of the case.

it may, in a civil case, and shall, in a criminal case, declare that verdict or judgment to be void and without effect. The case shall then be returned to the Trial Court for a new trial.

6-20-080 Judicial Notice – In addition to the evidence presented by the parties, the Judge may consider any fact that is so generally known in the territorial jurisdiction of the Court that it is not subject to reasonable dispute, or any fact capable of ready determination from a source whose accuracy cannot reasonably be disputed. The Judge may take judicial notice of a fact on the motion of a party or on his own initiative.

6-20-090 Authentication and Identification

- (a) Any documentary evidence may, in the discretion of the Court, be deemed authenticated if no objection is raised as to its admissibility.
- (b) The requirement of authentication or identification of a document as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. The testimony of a subscribing witness is not necessary to authenticate a writing. Extrinsic evidence of authenticity is not required with respect to:
  - (1) A document bearing the seal purporting to be that of the Tribe, the United States, or any other State, territory or possession of the United States, or any other political subdivision, department, or agency thereof, and a signature purporting to be an attestation or execution.
  - (2) A document purporting to bear the signature in the official capacity of an officer or employee of any entity included in subsection (1) hereof, having no seal, if a public officer having official duties certifies that the signer has the official capacity and that the signature is genuine.
  - (3) A copy of an official record or report, or of a document authorized by law to be recorded and filed which has been actually recorded and filed.
  - (4) Books, pamphlets, or other publications purported to be issued by public authority; printed material purporting to be newspapers or periodicals; documents acknowledged.



- (5) Any other document, or copy thereof, which in the opinion of the trial court, is not subject to reasonable dispute as to its identification or genuineness.

6-20-100 Requirement of Original

- (a) To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required.
- (b) A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original that cannot be resolved by the Court, or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.

6-20-110 Sworn Written Testimony - Subject to these rules and the rules of civil procedure, testimony of a witness in a civil proceeding may be presented in sworn written form if and only if:

- (a) The witness is unable to appear in person to testify by reason of death, or that such witness resides more than one hundred miles from the jurisdiction of the Court, and that travel for the purposes of testifying would be an undue burden;
- (b) If the evidence presented in writing is not contradicted by other parties;
- (c) If the sworn written testimony is offered to support a motion or an uncontested request for relief; or
- (d) If the sworn written testimony contradicts oral testimony already given by the same witness.
- (e) Written testimony shall be signed under oath or made by declaration under penalty of perjury, and must show clearly who gave it and when the witness gave it. Notarized documents are favored.
- (f) Copies or written records, photographs, and other documentary evidence may be authenticated by written testimony, provided there is a reasonably reliable way to identify the items and the methods used to prepare them.
- (g) When the relevance or reliability of evidence is challenged, the Court may in its discretion decline to admit the evidence, or may weigh the evidence appropriately in light of its reliability or lack thereof.

6-30 WITNESSES -

6-30-005 Witness Testimony: Oath - Before testifying, every witness shall be required to declare that the witness will testify truthfully, by oath or affirmation administered by the Court

6-30-010 Judge and Jurors as Witnesses --

- (a) The Judge presiding at the trial and the jurors hearing testimony in the trial shall not testify as witnesses in that trial. If any of them testify at trial, no objection need be made in order to preserve the point for appeal; the Appeals Court shall follow the rules set out in Section 6-20-060.
- (b) If a party requires the testimony of the Judge in order to properly present his case, he shall request, before trial, that another judge hear the case. If this request is denied, the party may assert that this denial was in error in an appeal after trial.
- (c) No person who may be called as a witness in a case shall be seated as a juror in that case. Any juror who is discovered to have relevant evidence after being seated shall be disqualified from continuing as juror.

6-30-020 Exclusion of Witnesses --

- (a) Except as otherwise provided in subsection (b), at the request of a party the Judge shall order witnesses excluded from the courtroom so that they cannot hear the testimony of other witnesses. The Judge may make an order excluding witnesses of his own motion.
- (b) This section does not authorize exclusion of:
  - (1) A party who is a natural person;
  - (2) An officer or employee of a party which is not a natural person, and who is acting for that party before the Court;
  - (3) The representative of a party;
  - (4) A person whose continuing presence is shown by a party to be essential to the presentation of his case; or
  - (5) Officers or employees of the Court.

6-30-030 Control by Judge of Questioning -- The judge shall exercise reasonable control over the presentation of evidence in order to:

- (a) Determine the truth;
- (b) Avoid a waste of time; and
- (c) Protect witnesses from undue harassment or embarrassment.

6-30-040

Order of Questioning --

- (a) After a witness has been questioned by the party or parties calling him, the adverse party or parties shall have the right to cross-examine the witness. Cross-examination is limited to the subject matter of the direct examination and matters affecting the credibility of the witness, unless the Judge in the exercise of his discretion permits inquiry into additional matters as if on direct examination. At the completion of cross-examination, the party calling the witness has the right to conduct redirect examination, limited to the matters raised in cross-examination. The adverse party may conduct a recross-examination limited to those matters raised on redirect examination.
- (b) The judge may dispense with the formal order of questioning set out in subsection (a). Any party may object to this action and raise this objection on appeal if it is overruled.

6-30-050

Form of Questions --

- (a) Leading questions are questions that by their form or content suggest the answer that is desired.
- (b) Leading questions shall not be used on the direct examination of a witness, except for preliminary matters not in controversy, without the permission of the Judge. The Judge should liberally grant permission to ask leading questions to children and persons with language problems, in the interest of obtaining meaningful testimony from such persons.
- (c) Leading questions are permitted on cross-examination.
- (d) In civil cases, a party is entitled to call an adverse party, or a witness identified with an adverse party, and question by leading questions. The adverse party may then use leading questions in cross-examining such a party or witness only to the extent permissible if he had called such a person on direct examination.

6-40

EVIDENCE EXCLUDED FOR POLICY REASONS --

6-40-010

Character Evidence --

- (a) Evidence of a person's character or a trait of his character is not admissible for the purpose of proving that he acted in conformity with it on a particular occasion, except:
  - (1) Evidence of his character or a trait of his character offered by an accused, and similar evidence offered by the prosecution to rebut such evidence.

(2) Evidence of the character or a trait of character of a victim of the crime offered by an accused, and similar evidences offered by the prosecution to rebut such evidence.

(b) Evidence of other acts by a party or witness is not admissible to prove that such person acted in conformity with those other acts. Such evidence may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

(c) Evidence of the character of a witness may be offered to attack or to support his credibility.

6-40-020 Subsequent Repairs –

(a) Evidence of measures taken after the event that would have made the event less likely to occur, is not admissible to prove negligence or culpable conduct in connection with the event.

(b) This section does not require the exclusion of evidence of subsequent remedial measures when offered to impeach a witness denying ownership, control, or feasibility of precautionary measures.

6-40-030 Compromises: Offers to Compromise –

(a) Evidence of any negotiations in compromising or offering to compromise a claim is not admissible to prove the amount of a claim or the validity or invalidity of a claim. Evidence of conduct or statements made in compromise negotiations is likewise not admissible.

(b) This section does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, responding to a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

6-40-040 Payment of Medical or Similar Expenses – Evidence of furnishing, or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible to prove liability for the injury.

6-40-050 Offer to Plead “Guilty;” Withdrawn Guilty Plea – Evidence of a plea of “guilty,” later withdrawn, or of an offer to plead “guilty” is not admissible in any proceeding involving the person who made the plea or offer.

6-40-060 Liability Insurance –

(a) Evidence that a person was or was not insured against liability is not admissible upon the issue of whether he acted negligently or otherwise wrongfully.

- (b) This section does not require the exclusion of evidence of insurance against liability when it is relevant for another purpose, such as proof of agency, ownership or control, or bias or prejudice of a witness.

6-50 STATEMENT BY PERSONS NOT PRESENT -- THE HEARSAY RULE --

6-50-010 Definition – Hearsay is the testimony of a witness about the statement of another person who is not available to testify.

6-50-020 Criminal Cases –

- (a) Hearsay evidence shall be excluded from a criminal case before a jury if the Judge finds:

- (1) That the usefulness of the testimony would be outweighed by its possible prejudice: that is, if the likelihood of the jury being misled is greater than the likelihood that the testimony will help them arrive at the truth; or
- (2) That the admission of the testimony would deprive the defendant of the opportunity to confront the witnesses against him: that is, that it would be unfair to deny to the defendant his right to cross-examine the person who made the original statement.

- (b) Any discussion or argument between the Judge and the parties or their representatives concerning admissibility of hearsay shall take place out of the hearing of the jury.

- (c) In a criminal case tried by the Court, the Judge may, in his discretion, permit hearsay testimony if he believes the ends of justice will be served thereby and the defendant will not be denied his right to confront the witnesses against him.

6-50-030 Civil Cases –

- (a) In a civil case before a jury where testimony is offered about the statement of another person not available to testify, the Judge shall instruct the jury that they should realize that the person who made the statement is not there to be cross-examined, and that they should consider that fact in deciding how much weight to give to the testimony.
- (b) In a civil case tried by the Court, hearsay evidence, if relevant as defined in Section 6-10-030, is admissible, except as otherwise provided in the Title 6.

6-60 PRIVILEGES TO EXCLUDE EVIDENCE –

6-60-010 Privileges End at Death – No person may claim a privilege on behalf of a person who is dead.

6-60-020

Representative-Client Privilege (Lawyer, Accountant, etc.) --

- (a) Definitions -- In this Section (6-60-020) the following terms shall have the indicated meanings:
- (1) "Client" -- A person, including a public officer, or a corporation, association, tribe or other organization or entity, either public or private, who is given legal or financial advice or representation.
  - (2) "Confidential communication to a representative" -- a communication that is not intended to be disclosed to anyone except those who would have to know about it in order for the client to receive the advice and/or representation that he is seeking.
- (b) General Rule of Privilege -- A client has a privilege to refuse to disclose, and to prevent any other person from disclosing any confidential communications:
- (1) Between himself and his representative;
  - (2) Between two or more of his representatives; or
  - (3) Between him or his representative and another person or that person's representative in a matter of common interest between him and the other person, as long as the communication is made for the purpose of helping with the representation of the client.
- (c) Who may claim a privilege --
- (1) The privilege may be claimed by the client, his guardian or conservator, or the successor, trustee, or similar representative of a corporation, association or other organization.
  - (2) The person who was the representative at the time of the communication may claim the privilege, but only on the behalf of the client. His authority to do so is presumed in the absence of evidence to the contrary.
- (d) Exception -- There is no representative-client privilege:
- (1) If the services of the representative were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud.

- (2) As to a communication relevant to an issue of breach of duty by the representative to his client or by the client to his representative.
- (3) As to a communication relevant to an issue concerning a witnessed document that the representative signed as a witness.
- (4) As to a communication relevant to a matter of common interest between two or more clients, if the communication was made by any of them to a representative retained or consulted in common, when offered in an action between any of the clients.
- (5) As to a communication relevant to the preparation or making of a public report.
- (6) As to a communication between a corporation, association, or other organization and its representative, in an action against the organization that is based on an alleged breach of fiduciary duty.

6-60-030

Health Worker – Patient Privilege –

- (a) Definitions – In this section (6-60-030), the following terms shall have the indicated meanings:
  - (1) “Health Worker” – A doctor, dentist, nurse, physical therapist, alcohol, drug, or mental health counselor, or any other person who is employed or engaged in the examination, diagnosis, or treatment of people for physical or mental conditions. It also includes any person participating in the examination, diagnosis, or treatment under the direction of the health worker, including, when appropriate, members of the patient’s family.
  - (2) “Confidential Communication” – Any communication not intended to be disclosed to anyone except for those who would have to know about it for the purpose of furthering the examination, diagnosis, or treatment.
  - (3) “Patient” – A person who consults or is examined or interviewed by a health worker for purposes of diagnosis or treatment.
- (b) General rule of privilege – A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between himself and his health worker.
- (c) Who may claim privilege – The privilege may be claimed by the patient or by his guardian or conservator. The health worker may claim the privilege, but only on behalf of the patient. His authority to do so is presumed in the

absence of evidence to the contrary.

(d) Exceptions

- (1) If the Judge orders an examination of the condition of the patient, communications made in the course of the examination are not privileged with respect to the purpose for which the examination is ordered, unless the Judge orders otherwise.
- (2) There is no privilege under this Section (6-60-030) as to communications relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.
- (3) There is no privilege under this Section (6-60-030) as to communications that are made as part of an effort to achieve an unlawful result. For example, there is no privilege for communications made to a health worker in an attempt to get the health worker to procure a drug illegally.
- (4) There is no privilege under this Section (6-60-030) for communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the health worker has determined that the patient is in need of hospitalization.

6-60-040 Religious Counseling Privilege – A clergy, priest, or other religious counselor shall not, without the consent of the person being counseled, be examined as a witness to any statement made to him while he was providing counsel.

6-60-050 News Reporter's Privilege – No reporter or employee of any newspaper, periodical, press association, radio or television station may be required to disclose in any legal proceeding or investigation any unpublished information obtained or prepared by such person in gathering, receiving, or processing information for communication to public, or the source of any information procured or obtained by such a person.

6-60-060 Political Voter's Privilege – Every person has an absolute privilege to refuse to disclose how he voted at a political election conducted by secret ballot.

6-60-070 Husband-Wife Privileges –

- (a) During marriage, a husband cannot be examined as a witness for or against his wife without her consent, nor a wife for or against her husband without his consent, except as provided in subsection (c) below.
- (b) Neither a husband nor a wife can be examined, during the marriage, without consent of the other, as to any communication made by one to the other



before or during marriage.

(c) Exceptions -- the privileges set out in subsection (a) and (b) above do not apply:

(1) In a civil proceeding brought by or on behalf of one spouse against the other spouse;

(2) In a proceeding to commit or otherwise place a spouse or the property of a spouse under the control of another person because of the spouse's mental or physical condition;

(3) In a juvenile proceeding;

(4) In a proceeding brought by or on behalf of a spouse to establish his competence; or

(5) In a criminal proceeding in which one spouse is charged with:

(A) A crime against the person or property of the other spouse or of a child in the custody of either spouse, whether such a crime was committed before or during marriage;

(B) A crime related to abandonment of a child or nonsupport of a wife or child; or

(C) Bigamy or incest.

6-60-080 Trade Secrets --

(a) A person has a privilege, which may be claimed by him or his agent or employee, to refuse to disclose and to prevent other persons from disclosing a trade secret owned by him, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice.

(b) When disclosure is directed, the Judge shall take such protective measures as the interests of the holder of the privilege and of the parties and the furtherance of justice may require.

6-60-090 Privilege Against Self-Incrimination --

(a) Criminal defendant's privilege not to testify:

(1) The defendant in a criminal case has the right not to testify, and not to produce any personal records. If he testifies voluntarily, he waives this privilege, except that testifying in one hearing does not waive the privilege at another hearing, and testifying upon a preliminary question

of fact so as to determine whether evidence may be admitted (for instance, on the question of whether a confession was voluntary) does not waive the privilege with respect to any other issues.

- (2) A defendant may be compelled to submit to fingerprinting, to give blood or urine samples, to speak so that a witness may identify his voice, or to stand up for identification.
- (b) Witness's privilege against self-incrimination – Any witness in any proceeding has the right to refuse to disclose any matter that would directly or indirectly implicate the witness in the commission of a crime. The answer need not prove guilt, and the witness need not actually be guilty, as long as there is a reasonable possibility that the answer would be a link in a chain of evidence against the witness. If a witness testifies to a fact that tends to incriminate him, he waives his privilege not to testify as to any other facts relevant to the same transaction, unless he did not know when he disclosed the first fact that it would tend to incriminate him, or unless other circumstances exist that would make it unjust to require the witness to continue testifying against himself.

6-60-100 Waiver of Privilege –

- (a) A person who has a privilege against disclosure of a confidential matter under this Chapter 6-60 waives the privilege if he voluntarily discloses or consents to disclosure of any significant part of the matter.
- (b) This section does not apply if the disclosure is itself a privileged communication.

6-60-110 Privileged Matter Disclosed Without Opportunity to Claim Privilege –

- (a) Evidence of a statement or other disclosure of privileged matter is inadmissible against the holder of the privilege if the disclosure was:
  - (1) Compelled improperly; or
  - (2) Made without giving the holder of the privilege an opportunity to claim the privilege.
- (b) Nothing in this Section (6-60-110) shall prohibit the Judge from declaring a mistrial for proper disclosure of privileged information when he considers it necessary to prevent injustice.

6-60-120 Comment on Use of Privilege –

- (a) The claim of a privilege is not a proper subject of comment by a party, a representative, or by a Judge except as authorized in this Section.

- (b) No inference may be drawn from the use of a privilege.
- (c) In jury cases, a person should be allowed to claim a privilege outside the hearing of the jury, if that is practical.
- (d) If a party has claimed a privilege and fears that the jury might draw an inference against him because of it, he is entitled, upon request to have the Judge instruct the jury that they may not come to any conclusion because of his use of the privilege.

CERTIFICATION

I, as a duly elected official of the Walla Walla Tribe, I do hereby certify that on or about July 7th, 2021, and convened on the 8th day of July, 2021, at which time a majority of 7 was present, the Village of Walla Walla, Washington, 6th Floor, 0 2018-2019, 0 2018-2019, and said Tribe has not been organized in any form.

Amber Jones  
Tribal Secretary

7-8-2021  
Date

ATTEN:

Lisa B. Stachamuth  
Tribal Secretary

7-8-2021  
Date