

FILED 3-24 1997
NO. 97-127 DOCKETED
AT 409 O'CLOCK P.M.
BF
CLERK.

IN THE PASCUA YAQUI TRIBAL COURT

IN AND FOR THE PASCUA YAQUI INDIAN RESERVATION, ARIZONA

PASCUA YAQUI TRIBE
Plaintiff,

v.

ACUÑA, ABEL
Defendant.

No. CR-97-127

CRIMINAL COMPLAINT

THE PASCUA YAQUI TRIBE, hereby complains and alleges, upon information and belief, that the above named defendant, an Indian, did commit the following offense(s):

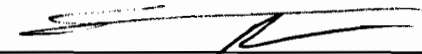
COUNT 1: LIQUOR VIOLATION: 1 PYTC §3.48

On or about November 18, 1996, at approximately 10:40 p.m., at or near South Kau Bo-oh and Neokae, possessed or consumed an alcoholic beverage while under the age of twenty-one (21).

And such violations, upon conviction is, punishable under the Pascua Yaqui Tribal Codes.

DATED this 21st day of March, 1997.

The undersigned hereby swears and affirms that this complaint is based upon information and belief and the attached Affidavit and Verification.


Complainant/Office of the Prosecutor

DEFENDANT:

ABEL ACUÑA
ADDRESS: **7338 S. CAMINO TETAVIECTI**
DOB: **07/20/76**
SEX: **Male** HT: **6'0"**

ORIGIN: **Indian**
HAIR: **Black**

FILED 3-24 1997
NO. 0297-124 DOCKETED
AT 4 07 O'CLOCK P.
BF
CLERK.

AFFIDAVIT

STATE OF ARIZONA)
) SS.
COUNTY OF PIMA)

I, OFFICER HECTOR V. OLIVO, BEING A DULY SWORN AND AUTHORIZED POLICE OFFICER FOR THE PASCUA YAQUI INDIAN RESERVATION, DO HEREBY SWEAR AND AFFIRM AS FOLLOWS;

1. ON MONDAY 11-18-96 AT APPROXIMATELY 2240 HOURS I WAS STATIONARY ON NEOKE JUST WEST OF KAU BO-OH. OFFICER R. VALENZUELA HAD JUST PULLED UP NEXT TO MY PATROL CAR WHEN I OBSERVED TWO MALE PERSONS WALKING NORTH ON KAU BO-OH.
2. THESE TWO PERSONS STOPPED WALKING, JUST AS THEY CAME INTO VIEW, AND LOOKED TOWARDS MY LOCATION. I TURNED ON MY SPOT LIGHT TO IDENTIFY WHO THEY WERE, JUST THEN THEY TURNED AROUND AND STARTED RUNNING SOUTH ON KAU BO-OH.
3. I THE DROVE ONTO KAU BO-OH AND NOTICED THAT THEY WERE NO WHERE IN SIGHT. I DROVE SOUTH ON KAU BO-OH ATTEMPTING TO LOCATE THESE INDIVIDUALS WHEN OFFICER VALENZUELA CALLED ME ON THE RADIO AND TOLD ME THAT HE CAUGHT ONE PERSON AS HE WAS RUNNING INTO THE DESERT AREA JUST WEST OF THE HOUSES ON KAU BO-OH.
4. I THEN DROVE TO OFFICER VALENZUELA'S LOCATION AND WE SEARCHED THIS MALE PERSON FOR ANY WEAPONS. AS THIS PERSON STOOD UP I SAW THE HE HAD RED GLOSSY EYES AND I COULD SMELL A STRONG ODOR OF AN ALCOHOLIC BEVERAGE COMING FORM HIS BREATH. OFFICER VALENZUELA AND I ATTEMPTED TO LOCATE THE OTHER INDIVIDUAL BUT WE WERE UNABLE TO FIND HIM. OFFICER VALENZUELA INFORMED ME THAT HE KNEW THE PERSON WE HAD IN CUSTODY AS ABEL ACUNA, AND THAT HE DID NOT BELIEVE ABEL WAS OLD ENOUGH TO DRINK.
5. I THE HANDCUFFED THIS PERSON I AND PLACED HIM IN THE BACK SEAT OF MY PATROL CAR AND I ADVISED HIM OF HIS MIRANDA RIGHTS. THIS PERSON STATED HE UNDERSTOOD AND AGREED TO ANSWER MY QUESTIONS.
6. I ASKED HIM IF HE HAD BEEN DRINKING AND HS SAID "YES". I ASKED HIM HOW MUCH HE HAD BEEN DRINKING AND SAID "ABOUT A SIX

PACK". I ASKED HIM A SIX PACK OF WHAT AND HE SAID "O E". I THE ASKED HIM HOW OLD HE WAS AND SAID "20". I INFORMED THIS PERSON THAT TO MY KNOWLEDGE O-E WAS NOT SOLD IN SIX PACKS, AND HE STATED THAT HE HAD PURCHASED A FEW 40 OZ. BOTTLES OF O-E AND THAT HE AND ANOTHER FRIEND HAD BEEN DRINKING THEM. WHEN ASKED WHO HIS FRIEND WAS, ABEL STATED THAT HE DID NOT KNOW.

7. I THEN DROVE TO THE PASCUA YAQUI POLICE SUB-STATION AND I PLACED HIM IN A HOLDING CELL. I ASKED HIM FOR HIS NAME AND HE IDENTIFIED HIMSELF TO ME AS ABEL ACUNA. I THE OBTAINED OTHER PERSONAL INFORMATION FOR ABEL FOR THE REPORT AND CITATION.

8. ABLE AGREED TO A BREATH-A-LYZER EXAMINATION AND A TEST PERFORMED INDICATED THAT HE HAD A .147% ALCOHOL CONCENTRATION LEVEL.

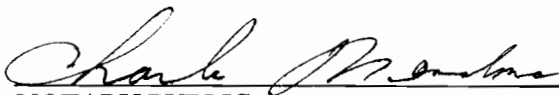
9. THE INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

FURTHER, THIS STATEMENT IS MADE IN SUPPORT OF THE ATTACHED CRIMINAL COMPLAINTS, NUMBER _____, AND PURSUANT TO TITLE 10 P.Y.T.C., CHAPTER 3, SECTION 3.1 (E) & (G).



AFFIANT

SWORN AND SUBSCRIBED BEFORE ME THIS 10TH DAY OF MAR, 1997.



NOTARY PUBLIC

MY COMMISSION EXPIRES:

Aug 15 1997