

	THE CROW NATION TRIBAL COURT	CRIMINAL COMPLAINT, AFFIDAVIT AND WARRANT REQUEST	CASE NO. CR-23-0649
Court Address P.O. Box 489, Crow Agency, Montana 59022	Court telephone no. (406) 638-7400	Court fax no. (406) 638-7415	
THE CROW TRIBE	V.	ALBERT CAPLETT III, IM. (DOB: 12/31/1974) Defendant.	

A. CRIMINAL COMPLAINT

The undersigned upon review of the investigative materials from the BIA law enforcement Uniform Services Division and other sources has information and reason to believe that the Defendant has committed the offense of **Official Misconduct**, in violation of §8B-7-301, CLOC.

B. AFFIDAVIT

1. The Crow Tribal Constitution states in relevant part:

Section 1.

The rights of freedom of worship, conscience, speech, press, assembly and association of member of the Crow tribe of Indians shall not be abridged or hindered without due process of law.

Section 2.

This Constitution shall not in any way alter, abridge, or otherwise jeopardize the rights and privileges of the members of the Crow Tribe as citizens of the United States.

Section 4.

In accordance with Title II of the Indian Civil Rights Act of 1968 (82 Stat. 77), the Crow Tribe of Indians in exercising its powers of self-government shall not:

- (a) Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble and for a redress of grievances.

2. 8B-7-310. Official misconduct.

- a. A public servant commits the offense of official misconduct when, in official capacity, he/she commits any of the following acts:
 - i. purposely or negligently fails to perform any mandatory duty as required by law or by a court of competent jurisdiction;
 - ii. knowingly performs an act in official capacity which he/she knows is forbidden by law;
 - iii. with the purpose to obtain advantage for himself/herself or another, he/she performs an act in excess of his/her lawful authority;
 - iv. solicits or knowingly accepts for the performance of any act a fee or reward which he/she knows is not authorized by law.

- b. A public servant who has been charged may be suspended from his/her office without pay pending final judgment. Upon final judgment of conviction, he/she shall be reinstated in his/her office and receive all back pay if not impeached or removed under the Crow Tribal Constitution and By-Laws or other applicable Tribal Law.
- c. Final judgment occurs only after an individual has exhausted all avenues of appeal.
- d. This section does not affect any power conferred by law to impeach or remove any public servant or any proceeding authorized by law to carry into effect impeachment or removal.
- e. Official misconduct is a Class C offense for which the offender shall be imprisoned in the Crow Tribal Jail for any term exceed 6 months or be fined an amount not to exceed \$500.00 payable to the Crow Tribal Court, or both.

On or about October 11, 2023 the Defendant (Chairman of the Wyola School Board) refused to allow at least a dozen parents, who are members of the public, into the School Board Meeting and feed at the school. This is an infringement on the members' right to free assembly.

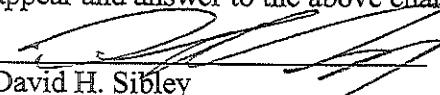
Additionally, each of those members of the public were informed that they were banned from the school without explanation infringing on their right to free speech guaranteed under the Crow Constitution of 2002 as well as a violation of their rights under the Indian Civil Rights Act of 1968 to peaceably assemble and petition for a redress of their grievances.

Finally, the Defendant, as the Chair of the Board, failed to perform a mandatory duty of the office by allowing the school to be closed without explanation. Many of the children who attend the school (88 as of the date of this filing) receive both breakfast and lunch at the school. By depriving the children of food, in allowing the school to be closed without explanation, the Defendant, along with the other members of the Board are depriving each of those children of both their right to assemble and their right to petition for a redress of grievances.

As far as the Tribe is aware, all of the children in question and the Defendant are all members of a federally recognized tribe. Such action is against the peace and dignity of the Crow Tribe.

C. REQUEST FOR SUMMONS

The Undersigned requests that the Court issue a SUMMONS for the Defendant, and require that he appear and answer to the above charge.


David H. Sibley
Chief Tribal Prosecutor
CROW TRIBE OF INDIANS

DATE: November 3, 2023

SUBSCRIBED AND SWORN TO before me on this 3rd day of November, 2023.


Notary/clerk of the Crow Tribal Court

