



Choctaw Nation Warrant Procedure

Kara Bacon and Lindsay Dowell



Overview

- Warrant Process
- Internal Warrant Procedure
- Extradition Process



Warrant Process

- Choctaw Nation Criminal Procedure Code Section 171 et seq.
- Collaboration Prosecutors/ Dispatch/ LE/ Court Clerks/ Judges
- NCIC/OLETS/ TAP



IN THE DISTRICT COURT FOR THE CHOCTAW NATION OF OKLAHOMA

CHOCTAW NATION OF OKLAHOMA,)
 Plaintiff,)
 vs.) Case No. CF-21-0385
 [REDACTED])
 ADDR: 1401 Pawnee Ave)
 Hartshorne, OK)
 DL/ID: [REDACTED])
 SSN: [REDACTED])
 DOB: [REDACTED])
 Defendant.)

WARRANT OF ARREST FOR MOTION TO REVOKE

CHOCTAW NATION OF OKLAHOMA, TO ANY LAW ENFORCEMENT OFFICER, CONSTABLE, MARSHAL, OR POLICEMAN:

You are hereby ORDERED, COMMANDED and DIRECTED to arrest and take into custody [REDACTED] having previously entered a plea to the crime(s) of:

COUNT 1: ASSAULT W/DANGEROUS WPN – C.N.C.C. § 645, a Felony
COUNT 2: DOMESTIC ASSAULT & BATTERY AGAINST A PREGNANT WOMAN – C.N.C.C. § 644(D), a Misdemeanor

and bring him before me at the CHOCTAW NATION DISTRICT COURT, or in case of my absence or inability to act, before the nearest or more accessible magistrate of the Choctaw Nation of Oklahoma or if a magistrate is not available to confine the above-named [REDACTED] in a suitable jail or detention facility.

Bail has been fixed by the Court in the amount of \$ to be set at initial appearance.

Witness my hand and seal on this 21st day of September 2022.

Judge of the District Court

Presenting Agency: _____ Agency Case Number: _____
 EXTRADITE / ENTER NCIC: YES NO
 Circle ONE: LOCAL ONLY ALL STATES SURROUNDING STATES
 Identifiers: Gender: Male Race: Indian
 Height: _____ Eye Color: _____
 Weight: _____ Lbs. Hair Color: _____
 DL #: [REDACTED]

RETURN OF SERVICE

CHOCTAW NATION OF OKLAHOMA
 Received this warrant on the _____ day of September 2022 and executed it by arresting the within named LARRY MONROE DAY and now have his body before the court.
 Fees-Service and Return of Warrant \$ _____
 Mileage \$ _____
 Total \$ _____

Warrant Process

- LE submit Affidavit for Arrest Warrant or MTR/ ATA to Prosecutor
- Screen charges and prepare Warrant of Arrest along with Information and Affidavit of PC for Warrant
- Warrant and Information are submitted to the Judge for
 - Find PC
 - Sign warrant
 - Set bond
 - Extradition/ NCIC
- Copy returned to prosecutor/ Original with Dispatch
 - Not put online (must call dispatch to verify and serve)
- Warrant is executed by LE
- Original returned to Court Clerk
- Defendant makes bail pursuant to the amount set on warrant or is taken before Judge.



CNO Internal Warrant Procedure

- Purpose: process for determining extradition of subjects arrested on CNO warrants outside of the CNO.
- Revised Warrants for necessary information
 - Extradition/NCIC and Where? Local/ Surrounding States/ All States
 - Identifiers
- Considerations
 - Costs
 - Case type
 - Specific Charges, i.e. (don't extradite felony victimless crime)
 - Based on bond
 - Under \$5,000.00 non extraditable
 - Up to \$10,000- OK/TX/AR
 - \$10,000-\$24,999- OK/TX/KS/AR/MO/NM/CO/KS/LA
 - \$25,000-\$49,999-(48) continental states
 - \$50,000- and above (to include no bail)- All States
- Notification Process



Extradition Procedure

- Choctaw Nation Criminal Procedure § 1141.1-1141.30
- Extradition to another state from the Choctaw Nation – Chief’s Warrant
- Arrest without Warrant
- Extradition to the Choctaw Nation from another state



Kara Bacon
Tribal Prosecutor
karab@choctawnation.com
580.740.1882

Lindsay Dowell
Government Staff Attorney
ldowell@choctawnation.com
580.380.9482