

POKAGON BAND OF POTAWATOMI INDIANS

TRIBAL COURT

THE PEOPLE OF THE POKAGON  
BAND OF POTAWATOMI INDIANS,  
Plaintiff

Case No: 14-2905-CO

-vs-

BRADLEY G. ENGLE,  
Respondent

HON. DAVID M. PETERSON

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Annette D. Nickel (P46780)  
Prosecuting Attorney  
Pokagon Band of Potawatomi Indians  
586820 Sink Road, P.O. Box 180  
Dowagiac, Michigan 49047  
(269) 783-0970  
annette.nickel@pokagonband-nsn.gov

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David M. Cox IV  
Attorney for Respondent  
Cox Law Office  
9792 East Ridge Road, Suite C  
Hobart, Indiana 46342  
(219) 225-5269  
dave@davecoxlaw.com

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**OPINION AND ORDER REGARDING MOTION TO COMPEL  
THE PROSECUTOR TO PRODUCE WITNESSES' BIRTH  
DATES AND CITIES AND STATES OF RESIDENCE**

**BACKGROUND**

The Respondent is not an enrolled member of the Pokagon Band of Potawatomi Indians nor a member of any other Native American Tribe and has been charged with a civil infraction alleging disorderly conduct under the Code of Offenses, Section 10(A)(1)(c).

On January 22, 2015, a second telephonic status conference was held in the above matter between both attorneys and the Court on the record.

On November 19, 2014, the Respondent filed a Motion to Compel the Prosecutor to Produce Witnesses' Birth Dates and Cities and States of Residence. On or about November 24, 2014, the Prosecuting Attorney submitted a response to the motion.

LAW

The Court Rules for Civil Infractions sets out the Rights of Respondents at Section 4. Nowhere in Section 4 is there any provision for any kind of discovery.

Civil infractions are further addressed at Sections 1-3 of PBCivO and Chapter 3 of PBCivR and at no place in either provision is there any provision for any kind of discovery.

Lastly, MCR 2.302(A)(3) is also applicable pursuant to Section 7 B of the Tribal Court Code. MCR 2.302(A)(3) provides in pertinent part as follows:

(3) ...discovery is not permitted...in civil infraction actions.

CONCLUSION

For the reasons stated above, Respondent's Motion to Compel the Prosecutor to Produce Witnesses' Birth Dates and Cities and State of Residence is DENIED.

IT IS SO ORDERED.

Dated: February 2, 2015



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David M. Peterson, Trial Judge