



HUALAPAI TRIBAL COURT
P.O. BOX 275
PEACH SPRINGS AZ 86434

ENTERED

MAY 14 2024

HUALAPAI TRIBAL COURT
PEACH SPRINGS, AZ

GENERAL ADMINISTRATIVE ORDER
NO. 2024-001
Guidelines for Applying Credit Time Served in Criminal Judgments


Adopted this 14th day of May 2024

AUTHORITY: This General Administrative Order is established pursuant to the authority vested in the Hualapai Judiciary at Article VI, Section 3(d) in the Constitution of the Hualapai Indian Tribe; to “establish court procedures for the Hualapai Judiciary” and Sec. 3.22 of the Hualapai Law and Order Code which provides that “details of judicial procedure not prescribed by this Code shall be set forth in rules of court promulgated by the Tribal Court.”

PURPOSE: One of the judicial duties of the trial judges is the sentencing of criminal defendants who are convicted of the laws contained in Chapter 6, of the Hualapai Law and Order Code. Often times the defendant/s request for credit time served which is served prior to conviction and sentencing. Pursuant to CHAPTER 5 SENTENCES. SEC. 5.20 Nature of Sentences does not address how “credit time served” is applied to sentencing of a defendant and therefore this General Administrative Order shall give guidance on the issues of “credit time served.”

IT IS HEREBY ORDERED that this General Administrative Order establishing guidelines for “Credit Time Served” shall serve as a guide for application of imposing ‘credit time served.’ Guideline for sentencing as set forth in Appendix A attached hereto and incorporated herein by reference, is adopted and shall be effective commencing May 15, 2024, and shall remain in effect until further order of this Court or upon enactment of superseding legislation by the Hualapai Tribal Council or upon order of the Hualapai Court of Appeals vacating this Order.

SO ORDERED this 14th day of May 2024.


Hon. Alene Garcia, Chief Judge
Hualapai Tribal Court

HUALAPAI TRIBAL COURT

**GAO NO. 2024-001
GUIDELINES FOR APPLYING CREDIT TIME SERVED IN CRIMINAL
JUDGMENTS**

APPENDIX "A"

**HUALAPAI TRIBAL COURT
HUALAPAI TRIBAL JURISDICTION
PEACH SPRINGS, ARIZONA**

**GENERAL ADMINISTRATIVE ORDER
NO. 2024-001**

APPENDIX "A"

GUIDELINES FOR IMPOSITION OF "CREDIT TIME SERVED"

1. "A sentence of imprisonment commences when sentence is imposed if the defendant is in custody or surrenders into custody at that time. Otherwise it commences when the defendant is actually in custody." *ARS § 13-712 (2021)*
2. All time actually spent in custody until the defendant is sentenced to imprisonment for such offense may be credited against the term of imprisonment otherwise provided in Chapter 5, Sec. 5.20 and sentencing provisions described in Chapter 6 for maximum sentencing in the Hualapai Law and Order Code.
3. If a defendant is arrested for a law violation and placed in custody prior to arraignment, the defendant may be given credit time served when imposition of imprisonment is ordered upon a plea of guilty or no contest to the law violation.
4. If a defendant post a bond while in custody, he/she may be given credit time served for actual imprisonment prior to posting of a bond; otherwise "credit time served" is suspended when defendant is released on a bond and/or released without a bond.
5. If a defendant is released from custody and violates a second offense and held in custody for the new charge, he/she may claim "credit time served" only for that specific charge.
6. Credit time served shall run consecutive to all other separate charges and convictions.
7. A defendant may claim credit time served while in actual custody in a State or Federal Corrections for a conviction of a tribal offense; i.e. major felony crimes such as murder and rape, incest etc. The credit time served may be considered by the Hualapai Tribal Court.
8. If a defendant or juvenile is referred to the Adult or Juvenile Wellness Court, the actual participation of the defendant or juvenile in the Wellness Court shall not be used as credit time served when referred back to adult criminal or juvenile court.