

PETITION FOR WRIT OF MANDAMUS
In the Tribal Court, Civil Division Of Lower Brule, South Dakota

Ex Parte Vance Jandreau

RE: Removal Petition(s) CIV # 15-10-0120

Plaintiff: Kevin Wright, Vice Chairman, Lower Brule Sioux Tribe

Comes now Vance Jandreau and petitions the above named Court for a writ of mandamus to Judge B.J. Jones of The Lower Brule Sioux Tribal Court and shows the following in support of this petition.

(1) On September 12, 2015 a Petition for Removal (of Vice Chairman Kevin Wright, Council Member Sonny Zeigler & Council Member Desiree LaRoche) was submitted to the Lower Brule Tribal Council through the Acting Recording Secretary as required under the Constitution and By Laws of the Lower Brule Sioux Tribe. The Council took no action. The Presiding Officer (Vice Chairman Kevin Wright) refused to recognize Ms. Colombe during the Council Meeting. Subsequently the issue was brought to Tribal Court. The Court on October 28, 2015 dismissed this complaint "until the Lower Brule Tribal Council votes to reject the petition or petitions" (CIV # 15-10-0120).

The petition was subsequently placed on the Draft Tribal Council Agenda (which is always in draft until Agenda and Minutes are approved by Council) for the regular Tribal Council Meeting on November 4, 2015, as Item #3, Pearl Colombe Letter and Petition For Removal. At that time, Vice Chairman Kevin Wright, the Presiding Officer, re-wrote the Agenda and placed this item on his revised Agenda as Item #35, Letter from Pearl Colombe. The Council at the November 4, 2015 meeting did not address this Item.

The petition was again placed on the Draft Tribal Council Agenda for the regular Tribal Council Meeting on December 3, 2015, as Item #3, Pearl Colombe Letter, noting that Item #3 had been restated as per Vice Chairman Wright, the Presiding Officer's directive. This agenda item was once again not addressed by Council because the Presiding Officer refused to address the agenda item.

In early January 2016, Vice Chairman Wright replaced the Acting Recording Secretary Scott Jones (again with no authenticating or written documentation). In early January 2016, Vance Jandreau, petitioner in this matter, submitted a handwritten request to Vice Chairman Wright asking to be placed on the agenda for the next Tribal Council meeting, scheduled for January 26, 2016. There was no response from Mr. Wright nor was Mr. Jandreau placed on the agenda. Mr. Jandreau again submitted requests on February 11, 2016 and March 30, 2016 to be placed on the Tribal Council Agenda. There has been no response to these requests.

(2) Vice Chairman Wright, as the Presiding Officer at Tribal Council Meetings, has control of the Agenda for Council Meetings. The failure of Vice Chairman Wright as Presiding Officer, to bring this matter forward (of tantamount importance in the minds of the voting community and the petitioner speaking on their behalf) for Council consideration and action, shows willful neglect and disregard of duty and is a violation of his responsibility as an elected official as stated in the Lower Brule Sioux Tribal Constitution (Amended 1986) Code of Ethics (a) 1. Gross incompetency: Unable or unwilling to perform the duties of

office; and (b) 4. Improper Conduct -- determined by Tribal Council: Malfeasance of office -- Including gross partiality or oppression.

(3) Vice Chairman Kevin Wright as Presiding Officer will not take up the petition. A Writ of Mandamus is requested to compel Vice Chairman Wright to perform and carry out the responsibilities and the duties that he was elected to fulfill so that the will of the people might be fulfilled.

(4) ATTACHMENTS:

- (a) Original petition for removal submitted to Acting Recording Secretary Sept 12, 2015
- (b) The above referenced Tribal Council [draft] Agendas of November 4 and December 3, 2015;
- (c) the three subsequent requests by Vance Jandreau to be placed on the agenda; the Tribal Council Agendas for January, February and March 2016;
- (d) a copy of the Lower Brule Sioux Tribe Constitution; and,
- (e) a copy of CIV #15=10-0120 with the accompanying documentation submitted in that hearing.

Wherefore, the Petitioner requests that a Writ of Mandamus issue out of this court directed to Kevin Wright, Vice Chairman, Lower Brule Sioux Tribe, commanding him to perform and carry out his responsibilities and duties in addressing this agenda item.

Respectfully submitted,



Vance Jandreau
Petitioner

4-20-2016
Date