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*Attorney for the Blackfeet Tribe*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

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WILLIAM AROCHA, JR.,

**Case Nos. CR 17-58-GF-BMM  
CV 22-115-GF-BMM**

Petitioner,

**BLACKFEET TRIBE’S ANSWER  
TO  
AMENDED PETITION FOR  
HABEAS CORPUS**

v.

CECILIA BLACKMAN and  
BLACKFEET TRIBE,

Respondents.

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Respondent, Blackfeet Tribe (“Respondent”), through its legal counsel, hereby Answers Petitioner’s Amended Petition for Habeas Corpus (“Petition”) as follows:

**GENERAL DEFENSE**

Respondent denies each and every allegation of the Amended Petition that is not specifically and expressly admitted and qualified herein.

**RECITALS**

1. Respondent admits that Petitioner was convicted of assault. The remaining allegations contained in Paragraph 1 are conclusions of law to which no response is required. To the extent a response is required, Respondent denies the same.
2. The allegations of Paragraph 2 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.
3. The allegations of Paragraph 3 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.
4. Respondent admits the allegations of Paragraph 4.
5. The allegations of the first four sentences of Paragraph 5 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without

context. Respondent lacks sufficient information to form a reasonable belief as to the truth of the remaining allegations in Paragraph 5, and therefore denies the same.

6. Respondent admits that Petitioner was transported to Browning, Montana to serve his tribal sentence. Respondent lacks sufficient information to form a reasonable belief as to the truth of the remaining allegations in Paragraph 6, and therefore denies the same.
7. The allegations of Paragraph 7 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.
8. The allegations of Paragraph 8 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.
9. Respondent admits the allegations in the first four sentences of Paragraph 9. The remaining allegations contained in Paragraph 9 are conclusions of law to which no response is required. To the extent a response is required,

Respondent denies the same. Respondent affirmatively alleges that the Blackfeet Tribal Business Council is not named in this action.

10. The allegations contained in Paragraph 10 are conclusions of law to which no response is required. To the extent a response is required, Respondent denies the same.

## **COURSE OF PROCEEDINGS**

### **A. Factual Background as Alleged**

11. Respondent admits that Petitioner's convictions arose out of Petitioner's assault of Shane L., at the conclusion of which Petitioner brutally stabbed and killed Shane L. The remaining allegations of the second sentence of Paragraph 11 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

12. Respondent admits that Shane L. was taken to the hospital after being assaulted by Petitioner, where he ultimately died. Respondent lacks sufficient information to form a reasonable belief as to the truth of the remaining allegations in Paragraph 12, and therefore denies the same.

### **B. Tribal Court Proceedings**

13. The allegations of Paragraph 13 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

14. Respondent admits the allegations of the first two sentences of Paragraph 14. Respondent admits that Petitioner was convicted of both criminal charges in Blackfeet Tribal Court. The remaining allegations of Paragraph 14 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

15. The allegations of Paragraph 15 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

16. Respondent admits the allegations of the first sentence of Paragraph 16.

The remaining allegations of Paragraph 16 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

17. The allegations of Paragraph 17 are comments upon, or interpretations of,

documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

18. The allegations of Paragraph 18 are comments upon, or interpretations of,

documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

19. The allegations of Paragraph 19 are comments upon, or interpretations of,

documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations

are selective, incomplete, and/or without context. Respondent lacks sufficient information to form a reasonable belief as to the truth of the allegations in Footnote 3 to Paragraph 19 and therefore denies the same.

20. The allegations of Paragraph 20 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

21. The allegations of Paragraph 21 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

22. The allegations of the first sentence of Paragraph 22 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context. Respondent admits the allegations in the second sentence of Paragraph 22. Respondent lacks sufficient information to form a reasonable belief as to

the truth of the remaining allegations of Paragraph 22 and therefore denies the same.

23. The allegations of Paragraph 23 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

24. The allegations of Paragraph 24 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

25. The allegations in the first two sentences of Paragraph 25 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context. Respondent lacks sufficient information to form a reasonable belief as to the truth of the allegations in the third sentence of Paragraph 25, and therefore denies the same. The allegations contained in Footnote



4 to Paragraph 25 are conclusions of law to which no response is required. To the extent a response is required, Respondent admits that any appeal pursued by Petitioner was likely untimely and denies any remaining allegations in Footnote 4.

### **C. Course of Proceedings in Federal Court**

26. The allegations of Paragraph 26 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

27. The allegations of Paragraph 27 are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves and therefore no response is required. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context.

### **III. CLAIMS FOR RELIEF**

28. Petitioner's Claims for Relief are not set out in numerical fashion. As such, Respondent denies Petitioner's Claims for Relief in total. Any allegations contained in the Claims for Relief that are conclusions of law, require no response. To the extent a response is required, Respondent

denies the same. Any allegations contained in the Claims for Relief that are comments upon, or interpretations of, documents or electronically stored documents which speak for themselves, require no response. If a response is deemed required, Respondent denies those allegations as the comments and interpretations are selective, incomplete, and/or without context. Respondent denies any remaining allegations or arguments contained in the Claims for Relief.

**29. Respondent has filed this Response to avoid any potential entry of default in this matter and reserves the right to substantively respond to Petitioner's legal arguments in due course of these proceedings by amendment of this Response within 21 days or by filing a dispositive motion. While at face value the Petition appears to lack merit, additional time is necessary for Respondent to investigate and evaluate the claims made by Petitioner in order to substantively respond.**

#### **FIRST AFFIRMATIVE DEFENSE**

Petitioner's Amended Petition fails to state a claim against Respondent upon which relief can be granted.

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**SECOND AFFIRMATIVE DEFENSE**

Petitioner failed to exhaust his available Tribal Court remedies, and therefore this matter must be dismissed.

**THIRD AFFIRMATIVE DEFENSE**

Respondent denies that any act or omission on its part resulted in a denial of Petitioner's right to due process or any other rights otherwise available to him.

**FOURTH AFFIRMATIVE DEFENSE**

Petitioner failed to join one or more indispensable parties as required.

**FIFTH AFFIRMATIVE DEFENSE**

Petitioner's convictions, sentences, and subsequent detention as a result of proceedings in Blackfeet Tribal Court were appropriate and warranted under the law and are constitutional.

**SIXTH AFFIRMATIVE DEFENSE**

This action is being pursued in an improper venue.

**APPLICABILITY OF AFFIRMATIVE DEFENSES**

Respondent reserves the right to amend this Answer to add additional defenses that become known during the course of discovery. Respondent has asserted the foregoing affirmative defenses upon information and belief that they are or may be applicable to the present claim presented by Petitioner. In the event the affirmative defenses are legally or factually unwarranted, any such inapplicable affirmative

defenses will be voluntarily withdrawn at the close of discovery. Likewise, any additional information or any additional affirmative defenses which become known through the course of discovery will be asserted.

**PRAYER FOR RELIEF**

WHEREFORE, having answered the Amended Petition, Respondent rejects and denies Petitioner's prayer for relief and respectfully prays for judgment as follows:

1. That Petitioner take nothing by way of his Amended Petition;
2. That Judgment be entered in favor of Respondent and against Petitioner;
3. That the Amended Petition be dismissed with prejudice;
4. That the Court award Respondent its costs and fees as permitted by law;  
and
5. That the Court grant such other and further relief to Respondent as the Court deems just and proper.

Respectfully submitted this 8th day of August 2023,

\_\_\_\_\_/s/ Dawn Gray\_\_\_\_\_  
Dawn Gray, Esq.  
Attorney for the Defendant

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under the penalty of perjury that on the 8<sup>th</sup> day of August 2023, a copy of the foregoing was served by electronic means to the parties noted in the Court's ECF transmission facilities.

/s/ Dawn Gray