

NEWS RELEASE- FOR IMMEDIATE RELEASE

UTE FAMILY AND TRIBE GET SWEEPING VICTORY IN FIGHT FOR JUSTICE IN THE SHOOTING DEATH OF A TRIBAL MEMBER

Ft. Duchesne, UT March 14, 2022

On February 16, 2022, a Ute family and the Ute Indian Tribe won a sweeping victory in their fight for justice in the shooting death of a tribal member. For the second time in five years, the United States Court of Appeals for the Federal Circuit, held that the failure of federal law enforcement officers to maintain evidence impacted the ability of the courts to determine how a 21-year old member of the Ute Indian Tribe died. *Jones v. United States*, 2022 WL 473032 (Fed. Cir. Feb. 16, 2022).

On April 1, 2007, Todd Murray, a 21-year old member of the Ute Indian Tribe was shot on the Uintah and Ouray Reservation and later died at the hospital. Vance Norton, an off-duty Vernal City, Utah police officer admits that he pursued and fired multiple shots at Mr. Murray, but claims that Mr. Murray shot himself.

In first ruling the Court of Appeals held that “But for the destruction of the cited evidence, Jones may have shown that Murray was, in fact shot by Norton.” *Jones v. United States*, 846 F.3d 1343, 1363 (Fed. Cir. 2017).

Debra Jones, Mr. Murray’s mother, has been fighting for justice in his death ever since. In response to her victory in the Appellate Court, Ms. Jones stated: “On April 1, 2007 and at every step since then, state and federal officers failed to treat my son and my family with respect which should be due to any person, regardless of race or ethnicity. We are grateful that the Court of Appeals rejected again the FBI’s argument that it does not need to investigate the death of an Indian on his Reservation. Instead, the FBI was required to gather the evidence which would have shown what actually happened on April 1, 2007.”

The Jones family brought claims under the “bad men” provisions of the 1868 Treaty between the United States and Tribe. In that Treaty, the United States agreed to compensate tribal members for damages caused by the wrongful actions by “bad men among the whites.” But, the fight for justice was slowed by the failure of federal law enforcement officials to maintain key evidence. For over 10 years, the Jones family endured the ups and downs that come from the United States attempting to avoid its duty under the Treaty and compensate their son’s estate.

The Court of Appeals is now sending the case back to the Claims Court where, at long last, the court may hold a trial in which Mr. Norton and other officers will have to testify under oath and attempt to explain how Mr. Murray died. In addition, federal officers may have to testify about their failure to investigate the death of an Indian on the Reservation and their failure to collect and maintain the evidence needed to determine how Mr. Murray died.

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FEDERAL CIRCUIT COURT OF APPEALS ONCE AGAIN REINSTATES TRIBAL MEMBERS' BAD MAN SUIT UNDER THE 1868 UTE TREATY

Ft. Duchesne, UT March 14, 2022

For the second time in five years, the United States Court of Appeals for the Federal Circuit has reversed the dismissal of a lawsuit brought under the “bad man” clause of the 1868 Ute Treaty, a suit that seeks to hold the United States responsible for the 2007 shooting death of 21-year old Todd Murray, an enrolled member of the Ute Tribe of the Uintah and Ouray Reservation.

On February 16, 2022, the Federal Circuit Court vacated an order of dismissal the United States had obtained in *Jones v. United States*, 846 F.3d 1343 (Fed. Cir. 2017) (*Jones I*); 2022 WL 473032 (Fed. Cir. Feb. 16, 2022) (*Jones II*). This time, the Court of Appeals reinstated and remanded the case with an even stronger ruling in favor of Murray’s family than what the Circuit Court had first entered with its initial ruling in the case in 2017.

The 21-year old Murray was fatally shot to death on April 1, 2007, after the car in which he was a passenger was pursued by Utah state, county and local police officers more than 25 miles inside the Uintah and Ouray Reservation, where none of the state officers had law enforcement authority over tribal members. After the Utah state officers stopped the vehicle and arrested the driver, the officers then began pursuing Mr. Murray on foot and in state police vehicles. Shortly thereafter, Murray sustained a fatal bullet wound to the left side of his head, behind his left ear. There are discrepancies in the accounts of the Utah state officers who were on the scene, but off-duty Vernal City Police Officer Vance Norton maintains that Murray shot himself. The Murray family, however, has consistently maintained that Mr. Murray was right-handed and that it was impossible for him to have shot himself as Norton alleged.

The responsibility for investigating Mr. Murray’s death fell to the Federal Bureau of Investigation (FBI); however, the FBI conducted no investigation whatsoever, and no autopsy was ever performed on Murray. In fact, FBI agents allowed the Utah state officers to desecrate Murray’s body and to illegally draw blood from his body in vials that were then never logged into evidence. The FBI also allowed the gun Murray allegedly had in his possession to be destroyed without first being examined for fingerprints or other forensic evidence.

In 2009 the Murray family instituted a federal civil rights suit against the Utah state officers involved in Murray’s death; however, that lawsuit was dismissed on various grounds including the lack of evidence and the state officers’ qualified immunity from suit. In 2013, the Murray family filed suit against the United States, seeking damages under the “Bad Man” clause of the Tribe’s 1868 Treaty with the United States. That clause allows tribal members to sue the United States for damages that have been caused by “bad white men” who have come onto the Reservation and caused damages to tribal members.

Since 2013, the United States has strenuously defended against the Murray family’s suit, asserting a multitude of arguments including the patently absurd argument that federal law enforcement

officers cannot be deemed as “bad men” under the 1868 Treaty. The Federal Circuit Court of Appeals has just as consistently rejected the United States’ arguments.

At long last it now appears the Murray family’s “Bad Man” suit against the United States will go to trial and be decided on the merits. Shaun Chapoose, Chairman of the Ute Indian Tribe Business Committee, hailed this latest ruling from the Federal Circuit Court of Appeals. Chairman Chapoose said, “Both the Utah state officers and the FBI showed a callous disregard for the life of 21-year old Todd Murray, and the suffering endured by his family due to his senseless and unnecessary death.” Chairman Chapoose added that the Murray family’s Bad Man suit is “important to every individual member of the Ute Tribe because it means that State officers cannot come onto our Reservation and injure or kill our tribal members without a federal investigation being conducted—it means the FBI cannot sit by idly when our tribal members are injured or killed.”

About the Ute Indian Tribe-The Ute Indian Tribe resides on the Uintah and Ouray Reservation in northeastern Utah. Three bands of Utes comprise the Ute Indian Tribe: the Whiteriver Band, the Uncompahgre Band and the Uintah Band. The Tribe has a membership of more than three thousand individuals, with over half living on the Uintah and Ouray Reservation. The Ute Indian Tribe operates its own tribal government and oversees approximately 1.3 million acres of trust land which contains significant oil and gas deposits. The Tribal Business Committee is the governing council of the Tribe.