

Oneida Tribal Judicial System

Onʌyote ʔ aka Tsiʔ Shakotiyaʔ Tolé hte

APPELLATE COURT

Michael Debraska, Leah Sue Dodge,
Franklin Cornelius, John Orié, Bradley Graham,
Appellants

Docket No. 14-AC-012

vs.

Oneida Business Committee,
Oneida Election Board, Oneida Law Office,
Respondents

Date: November 10, 2014

Transfer Decision

This case has come before the Oneida Tribal Judicial System, Appellate Court. Judicial Officers, Janice L. McLester, Robert Miller (Pro Tem), Winnifred L. Thomas, James Van Stippen (Pro Tem) and Stanley R. Webster presiding.

I. Background

On October 9, 2014, Clerk of Appellate Court, Vicki L. Kochan, at the direction of Gerald Hill, Chief Appellate Court Judge of the new Oneida Judiciary, sent a notice to all parties with any case on the docket of the Oneida Tribal Judicial System informing the parties of their right to transfer their case to the new Judiciary for review.

On October 24, 2014, Respondents, Oneida Business Committee, Oneida Election Board, Oneida Law Office, through Attorney Patricia M. Steven Garvey, had requested the transfer.

On October 30, 2014, Appellants, Michael T. Debraska, Leah Sue Dodge, Franklin Cornelius, John G. Orié and Bradley Graham contested the transfer. Their argument being the case “directly pertains to issues surrounding the Special Election of the Judiciary.” This presents a conflict of interest to the new Judiciary adjudicating a case which involved the election of the new judiciary judges.

II. Decision

The Notice to transfer document gives direction on how to proceed with a contested transfer case. “A contested transfer shall be decided by the Oneida Tribal Judicial System.”

On November 7, 2014, the Appellate body deliberated on Docket No. 14-AC-012, to consider the transfer request. This Appellate body, in its review of the request to transfer this matter, relies on GTC Resolution 01-07-13-B(4)(b)(i): *If the parties disagree as to whether their case should be transferred, the Oneida Tribal Judicial System shall determine where the case will be heard.*

Therefore, Docket 14-AC-012 request to transfer is denied.