

ONAYOTE?A·KÁ· TSI? SHAKOTIYA?TO·LÉHTE?  
APPELLATE COURT, INITIAL REVIEW

**Docket/Parties:** # 12-AC-014 Nona Danforth vs Vicente Vega

**Date Filed:** May 31, 2012

**Date of Initial Review:** May 31, 2012

The purpose of Initial Review (IR) is to answer threshold questions regarding the jurisdiction of a case and the procedural and material sufficiency of the Notice of Appeal. IR will determine if a case is ripe for appellate review and if not ripe, will determine which Original Hearing Body (OHB) has jurisdiction. IR may affirm or overturn a single issue decision of an OHB where that similar issue has been settled as a matter of law by previous appellate court decisions. In accordance with the Oneida Nation Administrative Procedures Act, §XI, F and the Oneida Tribal Judicial System, Appellate Court, Rules of Appellate Procedure, the IR body shall accept an appeal when an Appellant **alleges with sufficient clarity** that the OHB **decision** contains one or more of the following elements:

1. \_\_\_ A violation of constitutional provisions.
2. \_\_\_ The decision is outside the scope of the authority or otherwise unlawful.
3. \_\_\_ The decision is clearly erroneous and is against the weight of the evidence presented at the hearing level.
4. \_\_\_ The decision is arbitrary and/or capricious
5. \_\_\_ There is exhibited a procedural irregularity which would be considered a harmful error that may have contributed to the final decision, which if the error had not occurred, would have altered the final decision.
6. \_\_\_ There is presentation or introduction of new evidence that was not available at the hearing level, which, if available, may have altered the final decision.

**INITIAL REVIEW DECISION**

Judicial Officers Janice L. McLester, Jennifer Webster, W. James VanStippen presiding.

**Not Accepted:** Interlocutory Appeal not accepted for failure to confirm to the criteria for acceptance of a general appeal found in Rule 9(D) and in Rule 5(B)1-3. Appeal acceptance will not materially advance the termination of the litigation or clarify further proceedings in the litigation; protect the petitioner from substantial or irreparable injury; or clarify an issue of general importance in the administration of justice.

Arguments can be brought forward at the scheduled hearing of August 16, 2012 hearing before the Oneida Family Trial Court.

**Lead Judicial Officer Signature and Date:** Janice L. McLester 5/31/12