

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

**Docket/Parties:** Case # 15-AC-002, Linda S. Dallas vs. Oneida Election Board  
**Date Filed:** January 6, 2015

**Date of Initial Review:** Initial Review completed on February 16, 2015.

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 whether the Trial Court or 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. Pursuant to Oneida General Tribal Council Resolution 01-07-13-B adopting Chapter 150, the JUDICIARY law, Chapter 153, ONEIDA JUDICIARY RULES OF CIVIL PROCEDURE and Chapter 154, ONEIDA JUDICIARY RULES OF APPELLATE PROCEDURE, The Appellate Court shall accept an Appeal from the Decision of the Trial Court or Original Hearing Body, as specifically set forth in 154.3-1.(o), Initial Review, addressing the existence of any of 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**

Reviewing Oneida Appellate Judges: Gerald L. Hill, Chad Hendricks, and Jennifer Hill-Kelley

**Not Accepted:** The Appeal filed in this matter is not accepted.

TO: The parties and Trial Court in the above captioned case. Notice is hereby given that the Oneida Tribal Judiciary, Appellate Court, has taken jurisdiction of this case and reviewed the Notice of Appeal, as well as the documents demanded by this Court on February 3, 2015, on its own Motion and pursuant to 154.4-3. of the Oneida Code. The documents demanded were provided on February 16, 2015.

**The Oneida Judiciary**  
**P.O. Box 19, Suite # 1 Ridgeview Plaza**  
**3759 West Mason Street, Oneida, WI 54155**

**Presiding Judge Signature and Date:**

*Gerald L. Hill* 2-16-15