

# ONEIDA JUDICIARY

Tsi nu téshakotiya?tolétha?

## COURT OF APPEALS INITIAL REVIEW

**Docket/Parties:** Case# 15-AC-009, Thomas E. Davis v. Sherry Skenandore  
**Date Filed:** June 5, 2015 and Perfected on July 6, 2015  
**Date of Initial Review:** July 6, 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. X 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 Judiciary Appellate Judges: Gerald L. Hill, Chad Hendricks and Jennifer Hill-Kelley

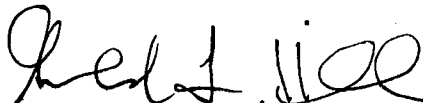
This case is **accepted** for Appellate Review.

TO: The Oneida Family Court in the above captioned case. Notice is hereby given that the Oneida Judiciary, Court of Appeals has taken jurisdiction of this case and requests the Record as set forth in 154.8-4.(a), used by the Family Court and a copy of the decision. The evidence should be mailed or delivered within thirty (30) calendar days upon receipt of this request. Evidence will be mailed or delivered to:

**Mailing Address:** Oneida Judiciary  
P.O. Box 19  
Oneida, WI 54155

**Physical Address:** Oneida Judiciary Building  
2630 W. Mason St.  
Green Bay, WI 54303

**Presiding Judge Signature:**



**Date:** July 6, 2015