

ONEIDA JUDICIARY

Tsi nu téshakotiya?tolétha?

ONEIDA JUDICIARY COURT OF APPEALS

Attorney Robert D. Sweeney,
Putative Contemnor

Case No. 15-AC-013
Date: October 16, 2015

SHOW CAUSE HEARING DECISION

Jurisdiction

This case comes before the Oneida Judiciary, Court of Appeals Judges Gerald L. Hill, Sharon House and Chris Cornelius presiding.

This case is being reviewed pursuant the authority of the Oneida General Tribal Council Resolution 01-07-13-B and Chapters 150, 153, and 154 of the Oneida Code of Laws.

Procedural History

This hearing arose from consideration of certain phrases that were included in a document filed by Attorney Sweeney that the Court determined were disrespectful of the Judiciary. It was determined that the offending statements, if found to be intentional were subject to a hearing to determine whether a formal hearing on indirect contempt would be necessary by allowing the putative contemnor to justify the offending phrases. The affront to the Judiciary as an independent entity of the Oneida Tribe was the only issue before the Court. The Notice and Order was provided to Attorney Sweeney who appeared on his own behalf. This hearing was a case of first impression as a matter of possible indirect contempt under Chapter 153.26-1, (d), (f), and (g), Oneida Code of Laws which defines contempt, and Chapter 153.26-3 (b) (1), and (c) setting forth the process for hearing a matter of indirect contempt.

The Court declined a Motion for En Banc Review of the case in chief, however, because the document included the offensive statements, this show cause hearing was convened for the reasons set forth above.

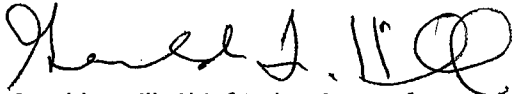
Decision

The Court, after hearing from Attorney Sweeney is satisfied that he was not intentionally disrespectful to the Court however the statements in question were perceived by the Court offense. He neither denied the offending phrases nor did he exhibit defiant responses to the questions of the Court. Considering Attorney Sweeney's respectful demeanor, acknowledging authorship or the document being considered, and his conciliatory attitude we accept his explanations with the admonishment that

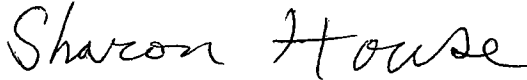
in representing clients before this Court careful citation of applicable authorities and sound legal argument should never include statements that may be misunderstood.

Under the circumstances and the testimony elicited at this show cause hearing we determine that further proceedings on this matter are unnecessary. This matter is closed.

By Order of the Oneida Judiciary, Court of Appeals, this matter is finally concluded for the reasons set forth above.



Gerald L. Hill, Chief Judge Court of Appeals



Sharon House, Appellate Judge



Chris Cornelius, Appellate Judge Pro Tem