
ONEIDA JUDICIARY-TRIAL COURT

WENONA (MILLER) POWLESS,
Petitioner

v.

Case No: 16-TC-020

ONEIDA HOUSING AUTHORITY,
Respondent

FINAL DECISION AND ORDER

This case has come before the Oneida Trial Court, Honorable Denice E. Beans presiding.

Background

On April 22, 2016 the Court received a petition for a Temporary Restraining Order to stay the eviction and changing of the locks on Wenona Powless' residence at W1331 Tall Feather Way, Seymour, WI 54165-8477 by the Oneida Housing Authority (OHA). The Temporary Restraining Order was granted and a hearing was held on Friday, April 29, 2016. The Petitioner failed to appear at the hearing. Hearing was continued to May 5, 2016 at which time all parties appeared.

Analysis

When asked for reasons why the Petitioner did not appear at the hearing on April 29, 2016 Ms. Powless stated that she was very sick with a cold and flu and did not go anywhere or make any phone calls. She apologized to Oneida Housing Authority and the Court for not calling in and inconveniencing everyone involved. Her apology was accepted and noted on the record.

The Court then asked Ms. Powless to state her position and reasons for requesting the Temporary Restraining Order. She stated that she got into trouble, went to court, entered into a Deferred Prosecution Agreement with Outagamie County Circuit Court, and has been complying with the conditions. Ms. Powless said she was in Anger Management and was meeting with counselors at Oneida Behavioral Health and that she understood if she followed and met all the conditions of the Deferred Prosecution Agreement the criminal charges would be taken off her

record. Since she was working towards clearing her record she did not want to be evicted from her home at W1331 Tall Feather Way, Seymour, WI 54165-8477.

Scott Denny, representing Oneida Housing Authority, stated that because of the “One Strike, You’re Out” addendum in the lease the OHA is obligated to initiate the eviction of any tenants who are in violation. Mr. Denny also stated that the OHA recognizes that Ms. Powless has been working very hard to correct the situation and that the OHA is willing to consider a settlement agreement based on Outagamie County Court’s Deferred Prosecution Agreement.

Findings of Fact

The court finds as follows:

1. The Court has jurisdiction pursuant to chapter 150 of the Oneida Code of Laws.
2. The OHA pursued the termination of the Petitioner’s Home Ownership Agreement due to criminal charges filed in Outagamie County.
3. The Court has accepted the petition for a Temporary Restraining Order and placed a stay on the eviction procedure at the residence of Wenona Powless at W1331 Tall Feather Way, Seymour, WI 54165-8477.
4. A hearing was held on April 29, 2016.
5. The Petitioner failed to appear, plead, or prosecute.
6. On its motion, to preserve and promote justice for all parties, this hearing was continued to May 5, 2016 at 9:00am.
7. The Temporary Restraining Order was extended until the conclusion of the hearing on May 5, 2016.
8. A hearing was held on May 5, 2016 at 9:00am.
9. Wenona Powless is diligently complying with and/or meeting the terms in the Deferred Prosecution Agreement with Outagamie County Circuit Court.
10. If all conditions are met, as listed on Deferred Prosecution Agreement, then Ms. Powless will no longer have a criminal record as of January 21, 2017.
11. Oneida Housing Authority is willing to consider a settlement agreement.

Order

The court enters the following order:

1. Wenona Powless shall be permitted to continue to occupy the residence at W1331 Tall Feather Way, Seymour, WI 54165-8477, under the terms and conditions of her existing Home Ownership Agreement.
2. Wenona Powless shall comply with and/or meet all of the conditions listed in the Deferred Prosecution Agreement with Outagamie County Circuit Court, #2015CF000466, by January 21, 2017.
3. If at any time from the date of this order until January 21, 2017 Wenona Powless is in noncompliance with the Deferred Prosecution Agreement then the Oneida Housing Authority may proceed with the eviction of Wenona Powless from her residence.

IT IS SO ORDERED.

By the authority vested in the Oneida Tribal Court pursuant to Resolution 01-07-13-B of the General Tribal Council a hearing was held on May 5, 2016 and an order signed on May 6, 2016 in the matter of Wenona Powless v. Oneida Housing Authority. Case #16-TC-020.