

COURT OF APPEALS

Deitric Gray,

Appellant,

Case No. 19-AC-004

v.

Date: October 25, 2019

Mercy Metoxen,

Respondent.

INITIAL REVIEW DECISION

This matter has come before Appellate Judges Leland Wigg-Ninham and Sharon House, and Chief Appellate Judge, Gerald L. Hill.

The Appellant, Deitric Gray (hereinafter “Gray”), filed a Notice of Appeal with this Court on September 30, 2019, appealing the decision of the Family Court, dated September 10, 2019, wherein he did not appear at a hearing on the same date and was found in default. Gray claims that he did not receive notice. After review of the information contained in the Notice of Appeal and the decision of the Oneida Family Court, it is determined that Gray has sufficiently alleged that the decision:

1. Violates applicable provisions of the Constitution;
2. Violates provisions, substantive and procedural, of applicable law or applicable federal law;
3. Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; and
4. Is not supported by the substantial evidence on the record taken as a whole.

Based upon the above, this appeal is **ACCEPTED** for review.

Appellant Gray has also filed a Filing Fee Waiver Request, as well as a Request for Waiver of Deposit/Bond. Both waivers are granted.

TO THE ONEIDA FAMILY COURT: As the original hearing body in the above captioned case, Notice is hereby given that the Oneida Judiciary Court of Appeals has taken jurisdiction of this case and requires the hearing record as set forth in §805.8-4(a), “The record of the case shall consist of all papers filed with the Trial Court or original hearing body, exhibits, a transcript or audio recording of the proceedings, and the final decision of the Trial Court or original hearing body.” The record shall be filed with the Court of Appeals within thirty (30) calendar days upon receipt of this notice.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-13-B and 3-19-17-A, this appeal is **ACCEPTED** for review. Dated this 25th day of October 2019, in the matter of Case No. 19-AC-004, *Deitric Gray v. Mercy Metoxen*.

It is so ordered.