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**ONEIDA JUDICIARY  
TRIAL COURT**

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**Oneida Nation / Oneida Police Department,  
PETITIONER**

**v.**

**Case No: 21-CT-007**

**Gary E. Elm,  
DEFENDANT**

**Date: September 30, 2021**

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**ORDER**

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This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.

*Appearing Telephonically:* Attorney Kelly McAndrews for the Petitioner: Oneida Nation/Oneida Police Department.

*Appearing In-Person:* Defendant, Gary E. Elm.

**STATEMENT OF THE CASE**

On August 19, 2021, Defendant was issued citation 304.5-2(b), *Failure to comply with Shelter Standards*, 1<sup>st</sup> offense. A Citation hearing was held September 16, 2021. At the hearing, Defendant discussed a possible settlement with Petitioner.

**FINDING OF FACTS**

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. On August 19, 2021, the Oneida Police Department issued a citation for violation of 3 O.C. 304.5-2(b).
3. A hearing was held September 16, 2021.
4. The Defendant appeared in person and did not dispute service.
5. The Defendant plead no contest to the violation of 3 O.C. 304.5-2(b).
6. Petitioner and Defendant were able to reach a settlement agreement consisting of the following:
  - a. The citation fine of \$100.00 will be reduced to \$40.00.
    - i. \$15.00 fine and \$25.00 court costs.
7. The Court accepts the proposed settlement agreement from the parties.

8. The total amount of \$40.00 will be paid to the Oneida Judiciary within sixty (60) days from the date this Order is signed.

**ORDER**

1. The Court orders Defendant to pay **\$40.00** to the Oneida Judiciary on or before sixty (60) days from the date of this order.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council this order is signed on September 30, 2021.

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John E. Powless III, Trial Court Judge