

ONEIDA JUDICIARY
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TRIAL COURT

**Oneida Nation;
Oneida Police Department,
PETITIONER,**

v.

CASE NO: 21-CT-011

**Jessie Smith,
RESPONDENT/ DEFENDANT.**

STIPULATION AND AGREEMENT

The above-named parties offer this stipulation and agreement as follows:

- 1.) Petitioner is subject to the jurisdiction of the Oneida Nation.
- 2.) Petitioner received proper notice of the above entitled action.
- 3.) Based on the mitigating facts provided by the Defendant, Petitioner agrees to dismiss the \$250 fine for Maintaining a Chronic Nuisance House - First Offense issued by the Oneida Police Department on September 27, 2021 (\$250 fine/forfeiture plus \$25 of Court Costs, total: \$275) subject to the following conditions:
 - a. Defendant admits that repeated noise violations occurred at the property following her purchase of the property in June 2021.
 - i. The Defendant evicted those tenants from the property that were responsible for the violations and there has not been police contact at the property since.
 - b. Defendant shall pay the \$25 of Court Costs within thirty (30) days from the date this order is signed.
 - c. A second citation for Maintaining a Chronic Nuisance House (within 2 years from the date this order is signed) shall be treated as a second offense.
- 4.) Defendant understands that the above Court Costs constitutes debt owed to a tribal entity and nonpayment is subject to Tribal remedy.


Defendant agrees that the above Stipulation and Agreement accurately represents the Defendant's Agreement with Petitioner. I request the Oneida Judiciary Trial Court issue a Final Judgment on this matter.


Defendant

12-21-21
Date

I, agent or Prosecuting Attorney for the above Plaintiff, agree that the above Stipulation and Agreement, as signed by Defendant, accurately represents the Plaintiff's Agreement with Defendant. I request the Oneida Judiciary Trial Court issue a Final Judgment on this matter.

Notes: _____


Plaintiff's Agent/ Attorney

12/21/21
Date

ORDER AND FINAL JUDGMENT

FINDINGS OF FACT

- 1.) Defendant is subject to the Jurisdiction of the Oneida Nation.
- 2.) Defendant was properly served notice of this action.
- 3.) Defendant admits to repeated noise violations at her property since June 2021. Thus, Defendant admits to Maintaining a Chronic Nuisance House - First Offense. Defendant provided mitigating facts related to the circumstances that gave rise to the issuance of the citation for Maintaining a Chronic Nuisance House. Those facts were considered when the Parties entered into an Agreement and Stipulation in this matter. A second citation (for a period of two years after the signing of this Order) for this violation shall be for a Chronic Nuisance House - Second Offense.
- 4.) The Parties agree that Defendant shall pay the \$25.00 fee for Court Costs within thirty calendar days from the date of this order. The Parties agree that no additional fine shall be due.
- 5.) The Parties agree that the Court Costs owed by the Defendant constitutes debt owed to a tribal entity and nonpayment is subject to Tribal remedy. The Parties agree that no additional fine shall be due.

ORDER

- 1.) Defendant has entered the above admissions and plea(s), which are accepted by this Court.
- 2.) The stipulation is approved and an ORDER AND FINAL JUDGMENT is entered by this Court requiring any fine/ forfeiture be paid in accord with the above terms. Failure to pay in accord with the above terms is subject to Tribal law and remedy.

IT IS SO ORDERED.

DATED THIS 27 DAY OF December, 2021



Hon. John Powless III
Tribal Court Judge