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**ONEIDA JUDICIARY  
TRIAL COURT**

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

v.

**Case No: 21-CT-013**

**Jackie S. Chee,  
DEFENDANT**

**Date: January 7, 2022**

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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 In-person:* Attorney Kelly McAndrews for the Petitioner: Oneida Nation/Oneida Police Department.

*Appearing Telephonically:* Defendant, Jackie S. Chee.

**STATEMENT OF THE CASE**

On September 29, 2021, Defendant was issued citation 309.6-6, *Nuisance*, 1<sup>st</sup> offense. A Citation hearing was held December 16, 2021.

**PRINCIPLES OF LAW**

**Oneida Code of Laws. Title 3. Health and Public Safety – Chapter 309 Public Peace.**

**309.6. Civil Infractions Against the Peace.**

**309.6-6. *Nuisance.*** A person commits the civil infraction of nuisance whenever he or she engages in a thing, act, occupation, condition or use of property which shall continue for such length of time as to: (a) substantially annoy, injure or endanger the comfort, health, repose or safety of the public; (b) in any way render the public insecure in life or in the use of property; or (c) greatly offend the public morals or decency.

**ANALYSIS**

In accordance with 309.6-6, a civil nuisance violation is committed if a person engages in a use of property which shall continue for an extended period of time that annoys or endangers the comfort, health, or safety of the public. In this case, the Petitioner responded three separate times

to the Defendant's residence and properties due to her unpenned livestock. The Defendant did not dispute these claims, as a result, a citation for nuisance, 309.6-6 is appropriate.

### FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. On September 29, 2021, the Oneida Police Department issued a citation to the Defendant for violation of 3 O.C. 309.6-6.
3. A hearing was held December 16, 2021.
4. The Defendant appeared telephonically and did not dispute service.
5. The Defendant verbally acknowledged her rights.
6. The Defendant did not dispute any claims regarding the citation.
7. The Defendant admitted to the nuisance violation, 3 O.C. 309.6-6.
8. The total amount of \$125.00 will be paid to the Oneida Judiciary within ninety (90) days from the date this Order is signed.

### ORDER

1. The Court orders Defendant to pay the following to the Oneida Judiciary on or before ninety (90) days from the date of this order:
  - a. 309.6-6, Nuisance, 1st offense, **\$100.00 fine and \$25.00 court costs.**

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 January 7, 2022.



John E. Powless III, Trial Court Judge