
**ONEIDA JUDICIARY
TRIAL COURT**

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

v.

Case No: 21-CT-030

**Elizabeth A. Pocan,
DEFENDANT**

Date: January 7, 2022

ORDER

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 and Defendant, Elizabeth A. Pocan.

STATEMENT OF THE CASE

On October 8, 2021, Defendant was issued citation 309.9-8, *Possession of Prohibited Drugs*, 1st 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.

309.9. Civil Infraction involving Alcohol, Tobacco, and Drugs.

309.9-8. *Possession of Prohibited Drugs.* A person commits the civil infraction of possession of prohibited drugs if he or she possesses or consumes a prohibited drug or is in possession of any drug paraphernalia.

ANALYSIS

In accordance with 309.9-8, if a person possesses or consumes a prohibited drug or is in possession of drug paraphernalia, the individual may be cited for possession of prohibited drugs. Here, the Defendant plead no contest to the citation, as a result, the Petitioner proposed to reduce the total amount owed from \$275.00, which includes court costs to \$225.00.

FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. On October 8, 2021, the Oneida Police Department issued a citation to the Defendant for violation of 3 O.C. 309.9-8.
3. A hearing was held December 16, 2021.
4. The Defendant appeared in-person.
5. The Defendant verbally acknowledged her rights.
6. The Defendant plead no contest to the *Possession of Prohibited Drugs* violation, 3 O.C. 309.9-8.
 - a. The Petitioner proposed to reduce the total fine amount to \$225.00.
7. The total amount of \$225.00 will be paid to the Oneida Judiciary within one hundred twenty (120) 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 one hundred twenty (120) days from the date of this order.
 - a. 309.9-8, Possession of prohibited drugs, 1st offense, **\$200.00 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