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**ONEIDA JUDICIARY  
TRIAL COURT**

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

**v.**

**Case No: 21-CT-031**

**Zachary W. Smith,  
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, Zachary W. Smith.

**STATEMENT OF THE CASE**

On October 6, 2021, Defendant was issued citation 309.9-8, *Possession of Prohibited Drugs*, 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.**

**309.9. Civil Infractions 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.

**Oneida Code of Laws. Title 8. Citations – Chapter 807.**

**807.6. Hearing Procedure.**

**807.6-1. *Citation Pre-Hearing.*** All citations shall include a pre-hearing date with the Court which shall be set at least thirty (30) days after the citation was issued, unless stated otherwise by a law of the Nation.

(a) Appearance at the pre-hearing shall be mandatory only when a law, policy, rule, or

resolution of the Nation requires a mandatory appearance for that specific violation of law.

(b) If an appearance is not mandatory, and a person does not wish to contest the citation, a person may pay the fine and/or penalty as listed on the citation prior to the pre-hearing date.

(1) If the person pays the fine and/or penalty as listed on the citation prior to the pre-hearing date the citation shall be considered satisfied.

### 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 admitted to the citation and has already paid the fine, therefore, satisfying the fine.


### FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. On October 6, 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 telephonically.
5. The Defendant admitted to the *Possession of Prohibited Drugs* violation, 3 O.C. 309.9-8.
  - a. The Defendant paid the citation fine prior to the pre-trial hearing; therefore, the fine is satisfied.

### ORDER

1. The Defendant paid the citation fine of **\$250.00** prior to December 16, 2021.
2. This case is closed.

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.

  
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John E. Powless III, Trial Court Judge