

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,**  
**Petitioner**

**CASE NO: 21-CT-035**  
**21-CT-036**

**v.**

**Briana A. Summers,**  
**Defendant**

**DATE: January 24, 2022**

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**DEFAULT JUDGMENT**

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This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

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

*Non-appearance:* Defendant, Briana A. Summers.

**STATEMENT OF THE CASE**

The Defendant was cited for Unsightly Areas and Maintaining a Chronic Nuisance House in accordance with the Chapter 309, Public Peace Law on October 17, 2021. A hearing was held on December 16, 2021 at 10:45 a.m. and the Defendant did not appear. Because of service issues, the hearing was continued. A second hearing was held on January 20, 2022, at 10:15 a.m.

**FINDING OF FACTS**

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. The Defendant received proper notice.
3. On October 17, 2021, the Oneida Police Department issued citations to the Defendant for the following violations:
  - a. 21-CT-035: 309.10-2, Unsightly Areas.
  - b. 21-CT-036: 309.6-7, Maintaining a Chronic Nuisance House.
4. The Defendant did not appear at the hearing held on January 20, 2022.
5. The Defendant was found in default for failure to appear.
6. The Petitioner presented clear and convincing evidence the Defendant's property was unsightly in violation of 309.10-2.
7. The Petitioner presented clear and convincing evidence the Defendant maintained a chronic nuisance house in violation of 309.6-7.

## PRINCIPLE OF LAW

### Oneida Code of Laws Title 3. Health and Public Safety - Chapter 309 Public Peace:

309.10-2. Unsightly Areas. A person commits the civil infraction of unsightly areas if he or she allows any scrap, refuse, junk, salvage, rubbish or property within the exterior boundaries of the Reservation that creates unsightly areas or contributes to health and safety hazards.

309.6-7. Maintaining a Chronic Nuisance House. A person commits the civil infraction of maintaining a chronic nuisance house if he or she has three (3) or more police contacts occurring during a twelve (12) month period at the premises that he or she owns or occupies through a lease or rental agreement.

### Oneida Code of Laws Title 8. Judiciary – Chapter 807 Citations:

807.6-1. *Citation Pre-Hearing.*

(f) If a defendant does not appear at the pre-hearing or submit written notice that he or she is contesting the citation when there is a non-mandatory appearance, and the defendant has not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the Court may proceed to enter a default judgment.

(1) A default judgment may include any fine amount due, restitution, suspension of any rights, privileges, or licensures, and/or any other penalty authorized by law.

## ANALYSIS

The Defendant was cited for violations of section 309.10-2, Unsightly Areas and section 309.6-7, Maintaining a Chronic Nuisance House. A failure to appear may result in a default judgment. Here, the Defendant did not appear or provide written notice before the hearing that she was contesting the citation. The Defendant also did not enter into a stipulation or pay the fine listed on the citation. Therefore, the Court ordered a default judgment as described below.

## ORDER

A default judgment is entered in favor of the Petitioner and against the Defendant in the amount as follows:

**1. 21-CT-035: 1<sup>st</sup> offense, Unsightly Areas – 309.10-2.**

|                                  |                       |
|----------------------------------|-----------------------|
| <b>Fine:</b>                     | <b>\$100.00</b>       |
| <b>Court Costs:</b>              | <b><u>\$25.00</u></b> |
| <b>Amount owed by Defendant:</b> | <b>\$125.00</b>       |

**2. 21-CT-036: 1<sup>st</sup> offense, Maintaining a Chronic Nuisance House – 309.6-7.**

|                     |                       |
|---------------------|-----------------------|
| <b>Fine:</b>        | <b>\$250.00</b>       |
| <b>Court Costs:</b> | <b><u>\$25.00</u></b> |

**Amount owed by Defendant:        \$275.00**

**3. Total amount owed by Defendant:        \$400.00**

**4.** The total amount due is payable to the Oneida Judiciary **within 120 calendar days** from the date this Order is signed. Failure to pay is subject to the Nation's laws and remedies.

**The parties have the right to appeal within 30 calendar days in accordance with the Nation's laws.**

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council an Order was signed on January 24, 2022.

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Layatalati Hill, Chief Trial Court Judge