

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

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,  
Petitioners**

**CASE NO: 22-CT-001**

**v.**

**DATE: February 17, 2022**

**Jeremy L. Ninham,  
Defendant**

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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, representing the Petitioners.

Not appearing: Defendant, Jeremy L. Ninham.

**BACKGROUND**

A citation, 22-CT-001, was issued to the Defendant on December 24, 2021, for violating Oneida Code of Laws section 309.9-8, Possession of Prohibited Drugs, 1<sup>st</sup> offense. A hearing was held on February 17, 2022 at 9:00 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. The Defendant was issued a citation on December 24, 2021, for Possession of Prohibited Drugs, 1<sup>st</sup> offense.
4. The Defendant was required to appear.
5. The Defendant did not appear at the hearing on February 17, 2022.
6. The Defendant was found in default for failure to appear.
7. The Petitioner presented clear and convincing evidence the Defendant was in possession of prohibited drugs.

**PRINCIPLES OF LAW**

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

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. 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 a violation of section 309.9-8, Possession of Prohibited Drugs. The Defendant is required to appear for such violation and a failure to do so may result in a default judgment. Here, the Defendant did not appear or provide written notice he 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. 22-CT-001: 1<sup>st</sup> offense, Possession of Prohibited Drugs – 309.9-8.**

<b>Fine:</b>	<b>\$250.00</b>
<b>Court Costs:</b>	<b><u>\$25.00</u></b>
<b>Amount owed by Defendant:</b>	<b>\$275.00</b>

**2.** The total amount due is payable to the Oneida Judiciary **within 90 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 this Order is signed on February 17, 2022.

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Layatalati Hill, Chief Trial Court Judge