

# ONEIDA JUDICIARY

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## TRIAL COURT

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

v.

**CASE NO: 22-CT-034**

**22-CT-035**

**DATE: January 5, 2023**

**Leon D. Denny**  
**Defendant,**

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## DEFAULT JUDGMENT

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This case has come before the Oneida Trial Court, the Honorable John E. Powless, III presiding.

*Appearing Telephonically:* Attorney Kelly McAndrews, representing the Petitioners.

*Non-appearance:* Defendant, Leon D. Denny.

### **Background**

In accordance with 3 O.C. 309.6-8 and 309.9-8, Public Peace Law, Defendant was cited for Interfering with a Lawful Arrest and Possession of Prohibited Drugs. Possession of Prohibited Drugs requires a mandatory appearance. A pre-trial hearing was scheduled on December 15, 2022, but due to inclement weather, the hearing did not occur. On the Court's own motion, the hearing was rescheduled to January 4, 2023, at which time the pre-trial hearing occurred.

### **Finding of Facts**

The Court finds as follows:

1. The Court has subject matter, territorial and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. On September 23, 2022, the Oneida Police Department cited Defendant the following:
  - a. Citation 22-CT-034; Interfering with a Lawful Arrest, 1<sup>st</sup> Offense in accordance with 3 O.C. 6-8.
    - i. Fine/Penalty for 1<sup>st</sup> Offense, \$250.00 and \$25.00 court costs.
  - b. Citation 22-CT-035; Possession of Prohibited Drugs, 1<sup>st</sup> Offense in accordance with 3 O.C. 309.9-8.
    - i. Fine/Penalty for 1<sup>st</sup> Offense, \$250.00 and \$25.00 court costs.
4. On January 4, 2023, a pre-trial hearing was held.
  - a. The Defendant did not appear.

5. The Defendant was found in default for failure to appear.
6. Petitioner presented clear and convincing evidence establishing Petitioner's claims.

### Principles of Law

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

**309.6-8. *Interfering with a Lawful Arrest.*** A person commits the civil infraction of interfering with a lawful arrest or resisting arrest if by force, violence or other means, he or she:

- a) Interferes, hinders or resists any Oneida Police Department officer in the performance of his or her official duties;
- b) Flees from any Oneida Police Department officer who is attempting to lawfully arrest or detain him or her; or
- c) Assists another to avoid a lawful arrest or harbors a fugitive.

**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.*** 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.

- f) If a defendant does not appear at the pre-hearing or submit a 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.
  - 2) Unless otherwise noted by the Court, a defendant shall have ninety (90) days to satisfy a default judgment by paying any fine and/or complying with any condition or penalty ordered.

### Analysis

The Defendant was cited for violating sections 309.6-8 and 309.9-8, both violations require the Defendant to appear. Failure to appear may result in a default judgment. Here, the Defendant did not appear or provide written notice that 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:

**Interfering with a Lawful Arrest, 1<sup>st</sup> Offense – 309.6-8.**

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

The total amount due is payable to the Oneida Judiciary within **ninety (90) calendar days** from the date this Order is signed. Failure to pay is subject to the Nation’s laws and remedies.

**Possession of Prohibited Drugs, 1<sup>st</sup> Offense – 309.9-8.**


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

The total amount due is payable to the Oneida Judiciary within **ninety (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 in accordance with the Nation’s laws.**

IT IS SO ORDERED.

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 5, 2023.

  
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John E. Powless III, Trial Court Judge