

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
Plaintiffs;**

v.

**Hannah Cornelius-Waupoose,
Defendant.**

CASE NO: 22-CT-039

DATE: April 5, 2023

DISMISSAL

This case has come before the Oneida Trial Court, Honorable Patricia Ninham Hoeft presiding.

BACKGROUND

On April 3, 2023, Plaintiffs' attorney filed a motion requesting dismissal of a citation issued to Defendant for Nuisance – 1st Offense, O.C.L. 309.6-6, for an incident that occurred on December 17, 2022, inside Defendant's residence between Defendant and Defendant's mother. Additionally, Plaintiffs' attorney motioned that the 4-page Outagamie County Circuit Court order signed on December 21, 2022, that was submitted in this case be sealed because public disclosure would be detrimental to Defendant.

A citation pre-trial hearing was held on February 16, 2023. On February 14, 2023, Defendant's mother sent a request to the Court and Plaintiffs' attorney asking the hearing to be rescheduled to accommodate treatment of Defendant's mental illness. At the pre-trial hearing, the Plaintiffs' attorney did not object to the motion for a continuance; as a result, the Court granted the motion extending the pre-trial hearing 60 days and required Defendant to provide documentation of Defendant's mental health. On March 14, 2023, Defendant filed the documentation about her mental health.

ANALYSIS

Prior to the February 16, 2023 citation pre-trial hearing, Defendant's mother requested the Court reschedule the hearing to accommodate Defendant's mental illness treatment. At the hearing, the Court granted the request and conditions requested by Plaintiffs' attorney that Defendant file documentation about the treatment. On March 14, 2023, Defendant satisfied the condition by filing a 4-page Outagamie County Circuit Court order signed December 21, 2022. On April 3, 2023, Plaintiffs' attorney filed a written motion asking this case to be dismissed and to seal the County's order because the County's order is not publicly available to non-parties. The Court finds the motion to dismiss and the motion to seal the circuit court order reasonable.

PRINCIPLES OF LAW

O.C.L. Title 3. Health and Public Safety - Chapter 309 Public Peace

803.21. Dismissal of Action 803.21-1. Voluntary Dismissal.

(b) By Court Order; Effect. Except as required in Rule 803.21-1(a)(1), an action may be dismissed at the plaintiff's request only by Court order, on terms that the Court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (b) is without prejudice.

803.32-2. *Open Record.* The records of all hearings and matters shall be available except where they are prohibited from disclosure by this Law, any other Tribal law or Court order or rule.

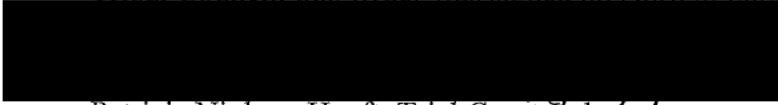
(3) At the request of any party or on its own motion, the Court may seal any part of a case file, preventing public disclosure. A file or part of a file may only be sealed where the safety of a party, witness or other individual may be in jeopardy if the material is not placed under seal.

ORDER

1. Plaintiffs' motion for a dismissal is GRANTED.
2. Plaintiffs' motion to seal the 4-page Outagamie County Circuit Court order signed December 21, 2022, is GRANTED.
3. The citation pre-trial hearing on **April 18, 2023**, is removed from the Court's calendar.

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 was signed on April 5, 2023



Patricia Ninham Hoelt, Trial Court Judge /