

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

**CASE NO: 22-CT-041
22-CT-042**

**William J. Skenandore, Jr.,
DEFENDANT.**

DATE: April 4, 2023

JUDGMENT AND SATISFACTION

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

Appearing in-person: Attorney Krystal John, representing Plaintiffs; and William J. Skenandore, Jr., Defendant.

BACKGROUND

Defendant was issued two citations for violations occurring on December 23, 2022. The first citation was Public Intoxication – 1st Offense, pursuant to 3 O.C.L. 309.9, with a \$100.00 fine plus \$25.00 court costs; the second citation was Nuisance – 1st Offense, pursuant to 3 O.C.L. 309.6-6, with a \$100.00 fine plus \$25.00 court costs. During the citation pre-hearing on February 16, 2023, the parties agreed to a verbal Stipulation and Agreement to amend the public intoxication citation and fine to Disorderly Conduct-1st offense, pursuant to 3 O.C.L. 309.6-1, with a reduction in the fine from \$100.00 to \$25.00. The second citation remains unchanged. On March 28, 2023, Plaintiffs’ attorney filed a written stipulation and agreement signed by all parties. The agreement is incorporated in this order.

ANALYSIS

Defendant was cited with two citations stemming from an incident in Defendant's home on December 23, 2022. At the hearing, the parties verbally agreed to a stipulation to amend the public intoxication citation to disorderly conduct and reduce the fine from \$100.00 to \$25.00. After the hearing, Defendant paid the fines and courts costs. On March 28, 2023, Plaintiffs' attorney filed a written stipulation and agreement signed by the parties that included Defendant's pleas of Admit to each citation. The Court finds the stipulation and agreement reasonable and accepts the agreement that is incorporated in this order and final judgment.

FINDINGS

The Court finds as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant received proper notice.
3. A citation pre-hearing was held on February 16, 2023, at 11:00 a.m.
4. The Oneida Police Department cited Defendant with two citations for an incident that occurred inside Defendant's residence on December 23, 2022. The citations issued are:
 - a. Public Intoxication – 1st Offense, pursuant to 3 O.C.L. 309.9, with a \$100.00 fine plus \$25.00 court costs; and
 - b. Nuisance – 1st Offense, pursuant to 3 O.C.L. 309.6-6, with a \$100.00 fine plus \$25.00 court costs.
5. At the pre-trial hearing, the Court granted a recess to allow the parties to seek a stipulation. The parties verbally agreed to the following stipulation:
 - a. Amend Public Intoxication – 1st offense, 309.9 to Disorderly Conduct – 1st offense, 309.6-1 and reduce the fine from \$100.00 to \$25.00.
 - b. The Defendant acknowledged he understood the agreement and his agreement was voluntary.
6. On February 16, 2023, after the citation pre-hearing, Defendant paid the total fines and court costs totaling \$175.00.
7. On March 28, 2023, Plaintiffs' attorney filed a written Stipulation and Agreement signed by the parties that included Defendant's agreement to enter the plea, Admit, to each citation.

PRINCIPLES OF LAW

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

Section 807.6-1. *Citation Pre-Hearing.*

(d) At the pre-hearing the Court shall accept pleas which either contest or admit committing the act for which the citation was issued, or a plea of no contest.

(1) If the defendant admits committing the act for which the citation was issued the Court shall provide a statement that by admitting that he or she committed the act for which the citation was issued the defendant thereby waives his or her right to contest the citation with the Court. The Court shall obtain an affirmative acknowledgment from the defendant of that waiver of rights.

Oneida Code of Laws Title 3. Health & Public Safety – Chapter 309 Public Peace

309.6. Civil Infractions Against the Peace

309.6-1. *Disorderly Conduct.* A person commits the civil infraction of disorderly conduct if he or she engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. A civil infraction of disorderly conduct may include, but is not limited to, the following behaviors:

- (a) fights with another person within the boundaries of the Reservation;
- (b) discharges a firearm or air gun that is prohibited;
- (c) makes or causes to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities;

(1) Between the hours of 10:00 p.m. and 6:00 a.m. any excessive noise shall be prohibited.

(d) abuses or threatens a person on Tribal property in an obviously offensive manner; (e) lies or sleeps on any street, alley or sidewalk, or in any other Tribal property, or upon private property that he or she has no right to occupy; or

(f) uses abusive, indecent, profane, or vulgar language in Tribal property, and the language by its very utterance tends to incite an immediate breach of the peace.

309.6-6. *Nuisance*. A person commits the civil infraction of nuisance whenever he or she engages in a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) in any way render the public insecure in life or in the use of property; or
- (c) greatly offend the public morals or decency.

309.9. Civil Infractions Involving Alcohol, Tobacco, and Drugs

309.9-1. *Public Intoxication*. A person commits the civil infraction of public intoxication if he or she appears intoxicated by alcohol beverages or prohibited drugs on Tribal property to the degree that the person may endanger himself or herself, or another person.

FINAL JUDGMENT

- 1. The Court accepts Defendant’s plea of Admit to the amended citation Disorderly Conduct – 1st offense and finds Defendant guilty.
- 2. The Court accepts Defendant’s plea of Admit to the citation Nuisance – 1st offense and finds the Defendant guilty.
- 3. The Court accepts and approves the written Stipulation and Agreement signed by the parties as incorporated in this order and issues the final judgment below:
 - a. A judgment is entered in favor of Plaintiffs and against Defendant in the amounts as follows:

Disorderly Conduct – 1st Offense, Public Peace Law section 309.6-1

Fine	\$ 25.00
Court Costs	\$ 25.00
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Total Amount Paid by Defendant	\$ 50.00

Nuisance – 1st Offense, Public Peace Law section 309.6-6

Fine	\$100.00
Court Costs	\$ 25.00
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Total Amount Paid by Defendant	\$125.00

4. The total amount owed by Defendant is satisfied.

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 April 4, 2023.



Patricia Ninham Hoeft, Trial Court Judge