

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

CASE NO: 23-CT-001
DATE: March 21, 2023

**Fernando Silva Jr.,
Defendant**

FINAL ORDER AND JUDGMENT

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

STATEMENT OF THE CASE

The Defendant was issued a citation for disorderly conduct, first offense.

FINDING OF FACTS

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant received proper notice.
3. On December 22, 2022, the Oneida Police Department issued a citation to Defendant for violation of 3 O.C. 309.6-1, disorderly conduct.
4. A pre-trial citation hearing was held on March 16, 2023.
5. Defendant was found in default for failure to appear at the pre-trial hearing.

PRINCIPLES OF LAW

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

Section 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.

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 309.6-1 for disorderly conduct. Defendant received the citation on December 22, 2022. A hearing was held on March 16, 2023. Defendant did not appear at the hearing, pay the fine before the hearing, submit a written notice that he was contesting the citation or enter a stipulation. Therefore, the Court finds Defendant in default and orders the fine and court costs as stated below.

ORDER

Judgment is entered in favor of the Petitioner and against the Defendant in the amount as follows:

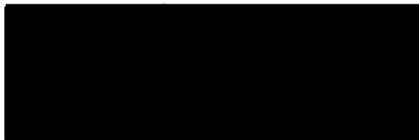
1. Disorderly Conduct – 309.6-1.

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

2. The total amount due is payable to the Oneida Judiciary **on or before May 22, 2023**. 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 Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council, this Order is signed on March 21, 2023.



Layatalati Hill, Chief Trial Court Judge