

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation/Oneida Police Department,
Petitioners

v.

CASE NO: 23-CT-002
DATE: March 21, 2023

Tiana Silva,
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. During the hearing, Petitioners motioned to dismiss the case.

PRINCIPLES OF LAW

Oneida Code of Laws Title 8. Judiciary – Chapter 803 Oneida Judiciary Rules of Civil Procedure:

803.21-1. *Voluntary Dismissal.*

(a) By the Plaintiff.

(1) Without a Court Order. The plaintiff may dismiss an action without a Court order by filing:

(A) A notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(B) A stipulation of dismissal signed by all parties who have appeared.

(2) Effect. Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any action based on or including the same claim, a notice of dismissal operates as adjudication on the merits.

(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.

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. However, during the hearing, Petitioner motioned to dismiss the case because Petitioner did not believe there was enough evidence to move forward with prosecuting the citation. The Court granted Petitioner's motion to dismiss.

ORDER

This case, 23-CT-002, is dismissed, without prejudice.

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 was signed on March 21, 2023.



Layatalati Hill, Chief Trial Court Judge