

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

Case No: 23-CT-004
Date: March 22, 2023

**Marina L. Melchert,
Defendant**

FINAL ORDER AND JUDGMENT SATISFACTION

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

Appearing in person: Attorney Kelly McAndrews, representing the Petitioners. Defendant, Marina L. Melchert.

BACKGROUND

Defendant was issued a citation for maintaining a chronic nuisance house-1st Offense, for violating Oneida Code of Laws section 309.6-7 for an incident that occurred on December 28, 2022. On March 16, 2023, a pre-trial hearing was held at which time the parties presented a stipulation for the Court's consideration. The Court approved the stipulation. After the hearing, Defendant paid the \$25.00 court costs, in full.

FINDING OF FACTS

The Court finds as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. At the pre-trial hearing, the Defendant acknowledged her rights.
4. The Oneida Police Department cited Defendant with a citation, maintaining a chronic nuisance house -1st Offense, for violating Oneida Code of Laws section 309.6-7 for an incident that occurred on December 28, 2022.
5. During the pre-trial hearing, the parties presented a stipulation for the Court's consideration.

6. The Court approved the parties' stipulation to amend the citation from maintaining a chronic nuisance house to a nuisance violation under section 309.6-6 and to reduce the fine to zero.

PRINCIPLES OF LAW

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

ANALYSIS

The Defendant was cited for maintaining a chronic nuisance house, 1st Offense. This charge carries a \$250.00 fine as well as \$25.00 in court costs. However, as a part of the stipulation, the parties agreed to amend the citation to a nuisance violation under section 309.6-6 and reduced the fine to \$0.00. As a part of the stipulation, Defendant is required to continue to see her physician. The Court agreed and approved the stipulation.

ORDER

1. The Court accepts and approves the agreement of the parties as described below:
 - a. Citation, 23-CT-004, for maintaining a chronic nuisance house is amended to a citation for nuisance, 1st offense, 309.6-6.
 - b. 23-CT-004: 1st offense, nuisance – 309.6-6.

Fine:	\$0.00
Court Costs:	<u>\$25.00 (Paid)</u>
Amount owed by Defendant:	\$0.00

2. The total amount due by Defendant has been satisfied, in full.
3. Defendant shall continue to see her physician.

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 was signed on March 22, 2023.

A solid black rectangular redaction box covering the signature of the Chief Trial Court Judge.

Layatalati Hill, Chief Trial Court Judge