

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

CASE NO: 23-CT-011
DATE: March 21, 2023

**Donavan Danforth,
Defendant**

DEFAULT JUDGMENT

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

Appearing in person: Attorney Kelly McAndrews, representing the Petitioners.

Not appearing: Defendant, Donavan Danforth.

BACKGROUND

A citation, 23-CT-011, was issued to the Defendant on January 10, 2023, for violating Oneida Code of Laws section 309.9-8, Possession of Prohibited Drugs, 1st offense. A pre-trial hearing was held on March 16, 2023.

FINDING OF FACTS

1. The Court has subject matter and personal jurisdiction over this matter.
2. The Defendant received proper notice.
3. The Defendant was issued a citation on January 10, 2023, for Possession of Prohibited Drugs, 1st offense.
4. The Defendant was required to appear.
5. The Defendant did not appear at the hearing on March 16, 2023.
6. The Defendant was found in default for failure to appear.
7. The Petitioner presented clear and convincing evidence the Defendant was in possession of prohibited drugs.

PRINCIPLES OF LAW

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

309.9-8. Possession of Prohibited Drugs. A person commits the civil infraction of possession of prohibited drugs if he or she possesses or consumes a prohibited drug or is in possession of any drug paraphernalia

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 309.9-8, Possession of Prohibited Drugs. The Defendant is required to appear for such violation and a failure to do so may result in a default judgment. Here, the Defendant did not appear, provide written notice he was contesting the citation, pay the fine listed on the citation or enter a stipulation. Therefore, the Court ordered a default judgment as described below.

ORDER

A default judgment is entered in favor of the Petitioner and against the Defendant in the amount as follows:

1. 23-CT-011: 1st offense, Possession of Prohibited Drugs – 309.9-8.

Fine:	\$250.00
Court Costs:	<u>\$25.00</u>
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 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 March 21, 2023.



Layatalati Hill, Chief Trial Court Judge