

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
Petitioners

v.

Case No: 23-CT-020
Date: March 22, 2023

Anna Haven,
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, Anna Haven.

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 January 15, 2023. On March 16, 2023, a pre-trial hearing was held. During the hearing, Defendant did not appear, but did show up after the hearing concluded. After the hearing, the parties appeared and requested to re-open the case. The Court granted the request and vacated the previous order stated verbally during the original hearing. The case was recalled, and the parties presented a stipulation for the Court's consideration. The Court accepted and approved the stipulation.

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 original pre-trial hearing, Defendant did not appear, and a default judgment was verbally ordered.
4. After the original pre-trial hearing concluded, Defendant appeared and, with Petitioner's consent, requested to re-open the case. The Court granted the request and recalled the

case immediately.

5. At the recalled pre-trial hearing, the Defendant acknowledged her rights.
6. 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 January 15, 2023.
7. During the recalled pre-trial hearing, the parties presented a stipulation for the Court's consideration.
8. 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 also required to attend Peacemaking within 45 days and to engage her family to the best of her ability. If Peacemaking is not attended within 45 days, the fine will revert to \$100.00. The Court agreed and approved the stipulation.

ORDER

1. The Court accepts and approves the agreement of the parties as described below:
 - a. The default judgment order delivered verbally in the original pre-trial hearing is

Vacated.

- b. Citation, 23-CT-020, for maintaining a chronic nuisance house is amended to a citation for nuisance, 1st offense, 309.6-6.
- c. 23-CT-020: 1st offense, nuisance – 309.6-6.

Fine:	\$100.00 (conditionally waived)
Court Costs:	<u>\$25.00</u>
Amount owed by Defendant:	\$25.00

- 2. In the event Defendant does not pay the court costs by the due date, or request for more time, this Final Order and Judgment shall be vacated, and the stayed fine amount of \$100.00 shall be re-imposed and incorporated in a revised final order and judgment.
- 3. The total amount due is payable to the Oneida Judiciary **on or before April 17, 2023, by 4:00 p.m.** Court costs and fines may be paid at the Oneida Judiciary or by calling the Trial Court Clerk at (920) 496-7200. Failure to pay is subject to the Nation’s laws and remedies.
- 4. Defendant shall attend Peacemaking with her family **on or before April 1, 2023.** If Peacemaking is not attended within the timeframe, the fine will revert to \$100.00. A Peacemaker will contact the parties to set up Peacemaking.

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.



Layatalati Hill, Chief Trial Court Judge