

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
Petitioners

v.

Case No: 23-CT-021
Date: March 24, 2023

Sydney Haven,
Defendant

FINAL ORDER AND JUDGMENT

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

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

BACKGROUND

Defendant was issued a citation for nuisance -1st Offense, for violating Oneida Code of Laws section 309.6-6 for an incident that occurred on January 15, 2023. On March 16, 2023, a pre-trial hearing was held. During the hearing, 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. Defendant acknowledged her rights.
4. The Oneida Police Department cited Defendant with a citation, nuisance-1st Offense, for violating Oneida Code of Laws section 309.6-6 for an incident that occurred on January 15, 2023.
5. During the hearing, the parties presented a stipulation for the Court's consideration.
6. The Court approved the parties' stipulation to reduce the fine to zero on the condition Defendant provide proof by March 24, 2023, from Koinonia Treatment facility in

Rhinelanders that she is in in-patient treatment.

7. On March 21, 2023, Defendant provided proof she is in in-patient treatment.

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 nuisance, 1st Offense. This charge carries a \$100.00 fine as well as \$25.00 in court costs. However, as a part of the stipulation, the parties agreed to reduce the fine to \$0.00. As a part of the stipulation, Defendant is also required to provide proof by March 24, 2023, from Koinonia Treatment facility in Rhinelanders that she is in in-patient treatment. If proof is not filed by the due date, the fine will revert to \$100.00. The Court agreed and approved the stipulation. On March 21, 2023, Defendant provided proof she is in in-patient treatment. However, Defendant is still responsible to pay court costs of \$25.00 due within 30 days after she is discharged from treatment. After the court costs are paid, the conditions will be satisfied and the \$100.00 fine will be waived.

ORDER

1. The Court accepts and approves the agreement of the parties as described below:

- a. 23-CT-021: 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 May 20, 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 provided proof from Koinonia Treatment facility in Rhinelander that she is in in-patient treatment.

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 24, 2023.

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

Layatalati Hill, Chief Trial Court Judge