

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
Petitioner**

v.

Case No: 23-CT-029

Date: April 24, 2023

**Mark A. Skenandore,
Defendant**

ORDER

This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.

Appearing In-person: Attorney Kelly McAndrews, representing the Petitioners; Defendant, Mark A. Skenandore.

Background

In accordance with 3 O.C. 309.6-7, Defendant was issued a citation for *Maintaining a Chronic Nuisance House*, 1st Offense, stemming from an incident that occurred on March 9, 2023.

Defendant's appearance is required for this citation. On April 20, 2023, a pre-trial hearing was held at which time, the parties filed a Stipulation and Agreement for the Court's consideration.

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.

309.6-7. Maintaining a Chronic Nuisance House. A person commits the civil infraction of maintaining a chronic nuisance house if he or she has three (3) or more police contacts occurring

during a twelve (12) month period at the premises that he or she owns or occupies through a lease or rental agreement.

Analysis

The parties' Stipulation and Agreement amends *Maintaining a Chronic Nuisance House*, 1st Offense violation to *Nuisance*, 1st Offense. As a result, the parties agree to waive the fine, but \$25.00 in court costs still apply and shall be paid to the Judiciary by Wednesday, May 24, 2023. This proposed agreement is conditional upon Defendant meeting with a Judiciary Peacemaker by Wednesday, May 24, 2023. If Defendant does not comply with agreement, the *Nuisance*, 1st Offense fine will default to the total amount of \$125.00 and shall be paid by Wednesday, May 24, 2023.

Findings of Fact

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. On March 9, 2023, the Oneida Police Department cited Defendant with *Maintaining a Chronic Nuisance House*, 1st Offense in accordance with 3 O.C. 309.6-7.
4. On April 20, 2023, a pre-trial hearing was held.
 - a. Defendant acknowledged his rights at the hearing.
5. The parties stipulated to the following agreement at the pre-trial hearing:
 - a. To amend *Maintaining a Chronic Nuisance House*, 1st Offense violation to *Nuisance*, 1st Offense.
 - i. Defendant agreed to a no-contest plea to *Nuisance*, 1st Offense violation, 309.6-6.
 - ii. As a result, *Nuisance*, 1st Offense fine is reduced to \$0 and \$25.00 in court costs shall be due to the Judiciary by Wednesday, May 24, 2023.
 - iii. This agreement is conditional upon Defendant meeting with a Judiciary Peacemaker by Wednesday, May 24, 2023.
 - iv. If Defendant does not meet with a Peacemaker by Wednesday, May 24, 2023, *Nuisance*, 1st Offense fine will default to the full fine amount of \$125.00.

6. The Defendant agrees to the fine and/or forfeiture constitutes debt owed to a tribal entity and non-payment is subject to Tribal remedy.
7. The Court agrees to the parties' Stipulation and Agreement.

Order

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

- a. Defendant's plea of no-contest to amended violation, *Nuisance*, 1st Offense.
- b. Parties agree to conditionally waive *Nuisance*, 1st Offense fine of \$100.00 if Defendant meets with a Judiciary Peacemaker by **Wednesday, May 24, 2023**. Court Costs of \$25.00 still apply.

- i. 23-CT-029; *Nuisance*, 1st Offense, 309.6-6.

Fine: **\$0**

Court costs: **\$25.00**

Amount owed by Defendant: **\$25.00**

- c. In the event Defendant does not meet with a Peacemaker within identified time frame, pay court costs by **Wednesday, May 24, 2023** or request more time, this Final Order and Judgment shall be vacated, and the stayed fine of \$100.00 shall be re-imposed plus \$25.00 in court costs and incorporated in a revised final order and judgment.
2. The total amount of \$25.00 in court costs is payable to the Oneida Judiciary on or before **May 24, 2023, by 4:00 p.m.** Court costs and/or fines may be paid at the Oneida Judiciary or by calling the Trial Court Clerk at (920) 496-7200.
3. Failure to pay is subject to the Nation's laws and remedies.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council an Order was signed on April 24, 2023.

John E. Powless III
Trial Court Judge