

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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

**v.**

**Case No: 23-CT-030**

**Date: April 24, 2023**

**Tina M. Skenandore,**  
**Defendant**

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**ORDER**

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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, Tina M. Skenandore.

**Background**

In accordance with 3 O.C. 309.6-7, Defendant was issued a citation for *Maintaining a Chronic Nuisance House*, 1<sup>st</sup> 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*, 1<sup>st</sup> Offense violation to *Nuisance*, 1<sup>st</sup> 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*, 1<sup>st</sup> 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*, 1<sup>st</sup> Offense in accordance with 3 O.C. 309.6-7.
4. On April 20, 2023, a pre-trial hearing was held.
  - a. Defendant acknowledged her 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*, 1<sup>st</sup> Offense violation to *Nuisance*, 1<sup>st</sup> Offense.
    - i. Defendant agreed to a no-contest plea to *Nuisance*, 1<sup>st</sup> Offense violation, 309.6-6.
    - ii. As a result, *Nuisance*, 1<sup>st</sup> 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*, 1<sup>st</sup> 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*, 1<sup>st</sup> Offense.
  - b. Parties agree to conditionally waive *Nuisance*, 1<sup>st</sup> 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-030; *Nuisance*, 1<sup>st</sup> Offense, 309.6-6.

<b>Fine:</b>	<b>\$0</b>
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<b>Court costs:</b>	<b><u>\$25.00</u></b>
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<b>Amount owed by Defendant:</b>	<b>\$25.00</b>
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- 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.

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John E. Powless III  
Trial Court Judge