

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

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,**  
**PETITIONERS,**

**CASE NO: 23-CT-034**

**v.**  
**Lahne F. E. Cadotte,**  
**DEFENDANT**

**DATE: June 16, 2023**

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**DEFAULT JUDGMENT**

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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.

*Non-appearance:* Defendant, Lahne F.E. Cadotte.

**Background**

In accordance with 3 O.C. 309.8-1, Defendant was issued Assault – 1<sup>st</sup> Offense citation, from an incident that occurred on April 6, 2023. On June 15, 2023, a pre-trial hearing was held.

**Finding of Facts**

1. The Court has subject matter and personal jurisdiction over this matter.
2. All entitled to notice received notice of this hearing.
3. A pre-trial hearing was held June 15, 2023.
  - a. The Defendant did not appear.
4. The Defendant was issued Assault – 1<sup>st</sup> Offense citation for an incident that occurred on April 6, 2023. This citation required a mandatory appearance.
5. The Defendant was found in default for failure to appear.

**Principles of Law**

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

**309.8. Civil Infractions Against the Person**

309.8-1. *Assault.* A person commits the civil infraction of assault if he or she:

- (a) causes bodily harm to another;
- (b) threatens another with imminent bodily harm;

- (c) causes physical contact with another when the person knows or should reasonably believe that the other person will regard the contact as offensive or provocative;
- (d) uses or exhibits a weapon during the commission of the assault; or
- (e) forcibly assaults or intimidates any authorized law enforcement official lawfully discharging an official duty.

Oneida Code of Laws Title 8. Judiciary – Chapter 807 Citations:

**807.6 Hearing Procedure**

*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 violating section 309.8-1 that required the Defendant to appear. Regardless, failure to appear may result in a default judgment. Here, the Defendant did not appear or provide written notice he was contesting the citation. The Defendant also did not enter into a stipulation or pay the fine listed on the citation. 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:

**Assault – 1<sup>st</sup> Offense – 309.8-1.**

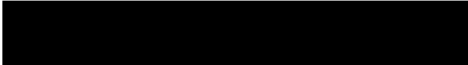
Fine:	\$250.00
Court Costs:	<u>\$25.00</u>
<b>Total Amount owed by Defendant:</b>	<b>\$275.00</b>

The total amount due is payable to the Oneida Judiciary **within 60 calendar days** from the date this Order is signed. Failure to pay is subject to the Nation’s laws and remedies.

**The parties have the right to appeal 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 June 16, 2023.

  
John E. Powless III, Trial Court Judge