

**ONEIDA JUDICIARY**  
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**TRIAL COURT**

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

**CASE NO: 23-CT-039**

**v.**  
**Paul C. Smith,**  
**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, Paul C. Smith.

**Background**

In accordance with 3 O.C. 309.6-7, Defendant was issued *Maintaining a Chronic Nuisance House* – 1<sup>st</sup> Offense citation. This citation is for an incident that occurred on April 5, 2023 and is the result of three or more incidents that occurred within the last twelve (12) months at Defendant’s residence. 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. The Defendant received proper 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 the following citation for incidents that occurred within the last twelve (12) months:
  - a. *Maintaining a Chronic Nuisance House* – 1<sup>st</sup> Offense.
    - i. 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:

309.6-7. *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.

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

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 309.6-7, *Maintaining a Chronic Nuisance House*, 1<sup>st</sup> Offense. This citation required Defendant's appearance. 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:

**Maintaining a Chronic Nuisance House – 1<sup>st</sup> Offense – 309.6-7.**

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 90 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.



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John E. Powless III, Trial Court Judge