

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
Petitioners**

v.

Case No: 23-CT-045
Date: July 26, 2023

**Eduardo Ortiz-Rivas,
Defendant**

FINAL ORDER OF DISMISSAL

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

Appearing in person: Attorney Kelly McAndrews, representing the Petitioners. Defendant, Eduardo Ortiz-Rivas.

BACKGROUND

Defendant was issued a citation for disorderly conduct-1st Offense, for violating Oneida Code of Laws section 309.6-1 for an incident that occurred on April 23, 2023. On July 20, 2023, a pre-trial hearing was held.

ANALYSIS

The Defendant was cited for disorderly conduct, 1st offense. This charge carries a \$250.00 fine as well as \$25.00 in court costs. However, during the pre-trial hearing, Petitioner motioned to dismiss the case because she believed she did not have a strong enough case to prosecute the citation of disorderly conduct. The court finds the motion for dismissal reasonable and grants the dismissal in accordance with section 803.21(b).

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. The Oneida Police Department cited Defendant with a citation, disorderly conduct -1st

offense, for violating Oneida Code of Laws section 309.6-1 for an incident that occurred on April 23, 2023.

4. At the pre-trial hearing, Petitioner verbally motioned to dismiss the case.
5. The terms of the dismissal are proper.

PRINCIPLES OF LAW

Title 8. Judiciary – Chapter 803 Oneida Judiciary Rules of Civil Procedure

803.21 Dismissal of Action

(b) By Court Order; Effect. Except as required in Rule 803.21-1(a)(1), an action may be dismissed at the plaintiff's request only by Court order, on terms that the Court considers proper... Unless the order states otherwise, a dismissal under this paragraph (b) is without prejudice.


ORDER

This case is dismissed, without prejudice.

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 July 26, 2023.



Layatalati Hill, Chief Trial Court Judge