

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
Plaintiffs;**

v.

**CASE NO: 23-CT-054
23-CT-055**

DATE: August 17, 2023

**Frank B. Skenandore,
Defendant.**

FINAL JUDGMENT AND STIPULATION

This case came before the Oneida Trial Court, Honorable Patricia Ninham Hoeft presiding.

Appearing in person: Attorney Kelly McAndrews, representing Plaintiffs; Frank B. Skenandore, Defendant.

BACKGROUND

Defendant was issued two citations for violating the Oneida Public Peace Law stemming from an incident on May 22, 2023. The first citation was for an alleged violation of disorderly conduct, 1st offense - Oneida Code of Laws (O.C.L.) 309.6-1. The second citation was for an alleged violation of trespass, 1st offense – O.C.L. 309.5-3. At the pre-trial citation hearing, the parties presented a written stipulation for the Court’s consideration. The Court approved the stipulation.

PRINCIPLES OF LAW

Oneida Code of Laws Title 8. Judiciary - Chapter 807 Citations

807.5. Stipulations

807.5-1. Authority for Stipulations and Case Settlement. An authorized attorney of the Nation is granted the discretion to seek the settlement of a citation.

- (a) When seeking to enter into a stipulation the authorized attorney shall explain to the defendant all provisions included in the stipulation as required by section 807.5-2(a)-(d).

807.5-2. Form of Stipulation. Any stipulation between an authorized attorney and the defendant shall be in writing and signed. The stipulation shall include the following:

- (a) A summary of the citation violation information included on the citation;
- (b) The details of the stipulation including any fine, penalty, condition, or payment plan the defendant shall comply with;
- (c) A statement that by entering into the stipulation the defendant is admitting that he or she committed the act for which the citation was issued or is entering a plea of no contest and thereby waives his or her right to contest the citation with the Court; and
- (d) A statement that all parties signed the agreement free of duress and coercion.

807.5-3. Submission of the Stipulation to the Court. If the authorized attorney and defendant reach an agreement through the stipulation, the stipulation shall be submitted to the Court for the Court's approval.

- (a) If the Court enters an order approving the stipulation as written, a copy of the order shall be provided to the authorized attorney and defendant.

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

803.21. Dismissal of Action

803.21-1. Voluntary Dismissal.

- (a) *By the Plaintiff.*
 - (1) *Without a Court Order.* The plaintiff may dismiss an action without a Court order by filing:
 - (A) A notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
 - (B) A stipulation of dismissal signed by all parties who have appeared.
 - (2) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any action based on or including the same claim, a notice of dismissal operates as adjudication on the merits.

Oneida Public Peace Law, Title 3. Health & Public Safety – Chapter 309

309.5-3. Trespass. A person commits the civil infraction of trespass if he or she:

(a) enters or remains on private property or Tribal property without consent and he or she:

- (1) had notice that the entry was forbidden; or
- (2) received notice or order to depart but failed to do so.

(b) Notice. Notice or an order to depart may be given by:

- (1) written or verbal communication given to the intruder by an Oneida Police Department officer, the owner of the property, or a person authorized to act on behalf of the owner;
- (2) written notice posted on or about the property in a manner reasonably likely to come to the attention of potential intruders; or
- (3) fences, barricades, or other devices manifestly designed to enclose the property and to exclude potential intruders.

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 (OPD) issued Defendant the following two citations stemming from an incident occurring on May 22, 2023:
 - a. Disorderly Conduct, O.C.L. 309.6-1 – 1st offense, \$250.00 fine plus \$25.00 court costs; and
 - b. Trespass, O.C.L. 309.5-3 – 1st offense, \$250.00 fine plus \$25.00 court costs.
4. On August 17, 2023, a pre-trial citation hearing was conducted. At the hearing, the parties presented for the Court's consideration a written stipulation including the following:
 - a. Defendant submitted to the Court the signed Acknowledgment of Rights form.
 - b. Plaintiffs' attorney dismissed the disorderly conduct citation and fine plus court costs.
 - c. Defendant entered a no contest plea for the trespass citation.
 - d. Plaintiffs' attorney reduced the trespass citation fine from \$250.00 to \$200.00.
 - e. Defendant is responsible to pay the reduced fine of \$200.00 plus \$25.00 court costs for a total of \$225.00 to the Oneida Judiciary within 60 days after this

judgment is signed or on or before 4:00 p.m. on October 17, 2023.

5. The Court approved the parties' stipulation and incorporated it in this judgment.

ANALYSIS

Defendant was issued two citations stemming from an incident on May 22, 2023. At a pre-trial citation hearing on August 17, 2023, the parties presented a written stipulation to the Court where Plaintiffs' attorney agreed to dismiss the disorderly conduct citation and reduce the trespass citation fine from \$250.00 to \$200.00. Defendant entered a no contest plea to the trespass citation. The Court accepts Defendant's no contest plea and finds Defendant guilty of the trespass citation. The Court approved the stipulation and incorporated it this final judgment.

ORDER

1. The Court accepts and approves the written stipulation of the parties as described below against Defendant and in favor of Petitioner:

- a. Citation 23-CT-054, Disorderly Conduct – 1st offense, O.C.L. 309.6-1, is

DISMISSED, with prejudice.

- b. Citation 23-CT-055, Trespass – 1st offense, O.C.L 309.5-3

Fine:	\$200.00
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Court costs:	\$ 25.00
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Total Amount owed by Defendant:	\$225.00
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2. The Court finds Defendant guilty of the trespass citation.
3. The total amount due is payable to the Oneida Judiciary within 60 days after this judgment is signed, or **on or before October 17, 2023, by 4:00 p.m.** Court costs and fines may be paid at the Oneida Judiciary or by calling the Trial Court Clerk at (920) 496-7200. Failure to pay is subject to the Nation's laws and remedies.

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 August 17, 2023.



Patricia Ninham Hoeft, Trial Court Judge