

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

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**TRIAL COURT**

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

**Case No: 23-CT-081**  
**23-CT-082**  
**Date: November 13, 2023**

v.

**Jasmine L. Brunette**  
**Defendant**

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**ORDER**

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This case has come before the Oneida Trial Court, the Honorable John E. Powless, III presiding.

*Appearing In-person:* Petitioners' Attorney, Kelly McAndrews; and Defendant, Jasmine L. Brunette.

**Background**

In accordance with the Oneida Nation Public Peace Law, Defendant was issued Possession of Prohibited Drugs, 1<sup>st</sup> Offense and Underage Possession of Alcohol, 1<sup>st</sup> Offense citations. The alleged violations are the result of an incident that occurred on July 21, 2023, on the Oneida Reservation. On October 19, 2023, a citation pre-trial hearing was held.

**Principles of Law**

**803.21. Dismissal of Action**

803.21-1. *Voluntary Dismissal.*

(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. If a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (b) is without prejudice.

**1.17 Citation Hearings**

1.17-1. This section shall govern the procedures for citation hearings.

(b) If a Defendant does not contest the violation and appearance is not mandatory, the Defendant may pay the fine in full before the pre-hearing day and the Court cost/fees will be waived.

## Analysis

### 309.9-8, Possession of Prohibited Drugs, 1<sup>st</sup> Offense

At the citation pre-trial hearing, the parties entered and proposed a stipulation and agreement to the Court for consideration. The proposed agreement dismissed the violation fine associated with 309.9-8. In accordance with 8 O.C. 803.21-1, a voluntary dismissal of an action may be dismissed at the request of a plaintiff, but only by court order, on terms the Court considers proper. In this case, the parties requested to dismiss the alleged Possession of Prohibited Drugs, 1<sup>st</sup> Offense violation. The Court considers it proper to dismiss the citation fine of \$250.00 but does not consider it proper to dismiss \$25.00 court costs. The Trial Court Rules identify that if a Defendant does not contest the violation, the Defendant may pay the full fine prior to the scheduled pre-trial hearing day, as a result, court costs will not be assessed to Defendant. Here, the Defendant did not pay the full fine before the citation pre-trial hearing day, therefore, \$25.00 court costs apply.

### 309.9-3, Underage Possession of Alcohol, 1<sup>st</sup> Offense

At the citation pre-trial hearing, the parties entered and proposed a stipulation and agreement to the Court for consideration. As part of the proposed agreement, Defendant plead No Contest to Underage Possession of Alcohol, 1<sup>st</sup> Offense, resulting in fine and court costs. The Court considers this section of the stipulation and agreement proper. As a result, Defendant agreed to pay \$125.00 fine and \$25.00 court costs within thirty (30) days from the date of this order.

## Finding of Facts

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant was issued Possession of Prohibited Drugs, 1<sup>st</sup> Offense and Underage Possession of Alcohol, 1<sup>st</sup> Offense citations and received proper notice of this hearing.
3. Defendant acknowledged her rights at the citation pre-trial hearing.
4. At the citation pre-trial hearing, the parties proposed the following stipulation and agreement to the Court for consideration:
  - a. Dismiss 309.9-8, Possession of Prohibited Drugs, 1<sup>st</sup> Offense.
    - i. The Court finds request to dismiss citation fine proper.
    - ii. The Court does not find request to dismiss court costs proper.
  - b. Defendant Plead No Contest to 309.9-3, Underage Possession of Alcohol, 1<sup>st</sup> Offense.
    - i. As a result, Defendant agreed to pay \$125.00 fine and \$25.00 court costs within thirty (30) days from the date of this signed order.
5. The Court accepts Defendant's plea of NO-CONTEST to Underage Possession of Alcohol, 1<sup>st</sup> Offense and finds Defendant GUILTY.
6. Defendant filed payment for \$25.00 court costs regarding 23-CT-081 to the Oneida Judiciary on October 19, 2023.
7. Defendant filed proof of payment for \$100.00 fine and \$25.00 court costs regarding 23-CT-

082 to the Oneida Judiciary on October 19, 2023.

**Order**

1. The Court shall DISMISS Possession of Prohibited Drugs, 1<sup>st</sup> Offense citation fine.
2. Defendant shall pay the following fines and court costs to the Oneida Judiciary on or before December 4, 2023:

**23-CT-081, Possession of Prohibited Drugs, 1<sup>st</sup> Offense, 3 O.C. 309.9-8.**

Court costs:	\$25.00
<b>Total amount owed by Defendant</b>	<b>\$25.00 (Paid October 19, 2023)</b>

**23-CT-082, Underage Possession of Alcohol, 1<sup>st</sup> Offense, 3 O.C. 309.9-3.**

Fine:	\$100.00
Court costs:	\$25.00
<b>Total amount owed by Defendant</b>	<b>\$125.00 (Paid October 19, 2023)</b>

3. These cases are closed.

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 November 13, 2023.

  
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John E. Powless III, Trial Court Judge