

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

Case No: 23-CT-083
Date: November 13, 2023

Devon A. Carter
Defendant

ORDER

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

Appearing In-person: Plaintiffs' Attorney, Kelly McAndrews; and Defendant, Devon A. Carter.

Background

In accordance with 3 O.C. 309.9-8, Defendant was issued Possession of Prohibited Drugs, 1st Offense citation, as a result of an incident that occurred on August 1, 2023, on the Oneida Reservation. On October 19, 2023, a citation pre-trial hearing was held.

Principles of Law

Title 3. Oneida Judiciary – Chapter 309: Public Peace

309.9. Civil Infractions Involving Alcohol, Tobacco, and Drugs

309.9-8. *Possession of Prohibited Drugs.* A person commits the civil infraction of possession of prohibited drugs if he or she possesses or consumes a prohibited drug or is in possession of any drug paraphernalia.

Analysis

At the citation pre-trial hearing, the parties entered and proposed a stipulation and agreement to the Court for consideration. In the proposed agreement, Defendant agreed to admit to Possession of Prohibited Drugs, 1st Offense. Additionally, the parties agreed to reduce Possession of Prohibited Drugs, 1st Offense fine to \$150.00 and \$25.00 in court costs to be due to the Oneida Judiciary within ninety (90) days from this signed court order.

Finding of Facts

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant was issued Possession of Prohibited Drugs, 1st Offense citation and received proper notice of this hearing.

3. Defendant acknowledged his 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. Defendant agreed to ADMIT to 309.9-8, Possession of Prohibited Drugs, 1st Offense.
 - i. As a result, Defendant agreed to pay \$150.00 citation fine and \$25.00 in court costs within ninety (90) days from this signed court order.
5. The Court accepted and approved the parties stipulated agreement.
6. Defendant ADMITS to Possession of Prohibited Drugs, 1st Offense and therefore, the Court finds Defendant GUILTY.

Order

1. The Court accepted and approved the parties stipulated agreement.
2. As a result, Defendant shall pay the following fine and court costs to the Oneida Judiciary on or before February 12, 2024:

23-CT-083, Possession of Prohibited Drugs, 1st Offense, 3 O.C. 309.9-8.

Fine:	\$150.00
Court costs:	\$25.00
Total amount owed by Defendant	\$175.00

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.



John E. Powless III, Trial Court Judge