

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
Plaintiffs

v.

Cody B. Williams
Defendant

Case No: 23-CT-089

Date: November 16, 2023

ORDER

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

Appearing In-person: Plaintiffs' Attorney, Krystal L. John; Defendant, Cody B. Williams.

Background

In accordance with 3 O.C. 309.9-8, Defendant was cited for allegedly violating Possession of Prohibited Drugs, 1st Offense, stemming from an incident that occurred on August 30, 2023, as a result, a citation pre-trial hearing was held on November 16, 2023.

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

In accordance with 3 O.C. 309.9-8, a person may receive a citation for Possession of Prohibited Drugs when an individual consumes a prohibited drug or is in possession of any drug paraphernalia. Here, Plaintiffs allege Defendant violated 309.9-8, Possession of Prohibited Drugs, stemming from an incident that occurred on August 30, 2023. At the citation pre-trial hearing, the parties proposed a stipulation and agreement to the Court for consideration.

Finding of Facts

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant was issued the following citations and received proper notice of this hearing:
 - a. 309.9-8, Possession of Prohibited Drugs, 1st Offense citation.
3. A citation pre-trial hearing was held November 16, 2023.

- a. At the citation pre-trial hearing, Defendant acknowledged his rights.
- 4. At the citation pre-trial hearing the parties proposed a stipulation and agreement to the Court for consideration.
 - a. The Defendant verbally stated he entered into the proposed agreement free of duress and coercion.
 - b. The stipulation and agreement identified Defendant ADMITTED to Possession of Prohibited Drugs, 1st Offense regarding 23-CT-089, as a result, Defendant agreed to the following:
 - i. Defendant must pay amended Possession of Prohibited Drugs, 1st Offense fine of \$200.00 and \$25.00 in court costs to the Oneida Judiciary within thirty (30) days from a signed order.
- 5. Defendant filed proof of payment for \$200.00 fine and \$25.00 court costs to the Oneida Judiciary on November 16, 2023.

Order

- 1. The Court accepts and approves the agreement of the parties as described below:
 - a. The Court accepts Defendant’s ADMIT plea to Possession of Prohibited Drugs, 1st Offense citation, therefore Defendant is GUILTY of said violation.
 - b. **23-CT-089; Possession of Prohibited Drugs, 1st Offense – 309.9-8.**


Amended Fine:	\$200.00
Court Costs:	<u>\$25.00</u>
Total Amount owed by Defendant:	\$225.00
 - c. The Total amount of \$225.00 shall be due to the Oneida Judiciary within thirty (30) calendar days of a court order.
 - i. Defendant filed proof of payment for \$200.00 and \$25.00 court costs to the Oneida Judiciary on November 16, 2023.
 - d. This case is closed.

The total amount due is payable to the Oneida Judiciary **within thirty (30) 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 was signed on November 16, 2023.



 John E. Powless III, Trial Court Judge