

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

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**TRIAL COURT**

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

**v.**

**CASE NO: 23-CT-093**  
**DATE: December 26, 2023**

**Alexander W. Vansteel,  
Defendant**

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**DEFAULT JUDGMENT**

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

Appearing in person: Attorney Kelly McAndrews, representing the Petitioners.

Not appearing: Defendant, Alexander W. Vansteel.

**BACKGROUND**

A citation, 23-CT-093, was issued to the Defendant on October 15, 2023, for violating Oneida Code of Laws section 309.5-5, retail theft, 1<sup>st</sup> offense. A pre-trial hearing was held on December 21, 2023.

**FINDING OF FACTS**

1. The Court has subject matter and personal jurisdiction over this matter.
2. The Defendant received proper notice.
3. The Defendant was issued a citation on October 15, 2023, for Retail Theft, 1<sup>st</sup> offense.
4. The Defendant was not required to appear.
5. The Defendant did not appear at the hearing on December 21, 2023.
6. The Defendant was found in default for failure to appear.
7. The Petitioner presented clear and convincing evidence the Defendant committed theft by not paying for a Nerds Twist and Mix before leaving the Oneida Onestop, located at W790 CTY TK EE.
8. The Court finds Defendant guilty of Retail Theft.

**PRINCIPLES OF LAW**

Oneida Code of Laws Title 3. Health and Public Safety - Chapter 309 Public Peace:

309.5-5. Retail Theft. A person commits the civil infraction of retail theft if he or she without the merchant's consent and with intent to deprive the merchant permanently of possession or the full purchase price of the merchandise or property:

(b) intentionally takes and carries away merchandise held for resale by a merchant or property of a merchant.

Oneida Code of Laws Title 8. Judiciary – Chapter 807 Citations:

807.6-1. *Citation Pre-Hearing.*

(f) If a defendant does not appear at the pre-trial hearing or submit written notice that he or she is contesting the citation when there is a non-mandatory appearance, and the defendant has not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the Court may proceed to enter a default judgment.

(1) A default judgment may include any fine amount due, restitution, suspension of any rights, privileges, or licensures, and/or any other penalty authorized by law.

**ANALYSIS**

The Defendant was cited for a violation of section 309.5-5, Retail Theft. The Defendant is not required to appear for such violation, however, the failure to do so may result in a default judgment. Here, the Defendant did not appear, provide written notice he was contesting the citation, pay the fine listed on the citation or enter a stipulation. Additionally, Petitioner presented clear and convincing evidence that Defendant entered the Oneida Onestop, put a Nerds Twist and Mix in his pocket, went to the counter to pay for other items, but did not take out and pay for the Nerds Twist and Mix. He then carried away the item without paying for it. As a result, the Court found Defendant guilty of Retail Theft. Therefore, the Court ordered a default judgment as described below.

**ORDER**

A default judgment is entered in favor of the Petitioner and against the Defendant in the amount as follows:

**1. 23-CT-093: 1<sup>st</sup> offense, Retail Theft – 309.5-5(b).**

<b>Fine:</b>	<b>\$50.00</b>
<b>Court Costs:</b>	<b><u>\$25.00</u></b>
<b>Amount owed by Defendant:</b>	<b>\$75.00</b>

- 2. The total amount due is payable to the Oneida Judiciary on or before January 25, 2024. 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 is signed on December 26, 2023.

A solid black rectangular box redacting the signature of the Chief Trial Court Judge.

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Layatalati Hill, Chief Trial Court Judge