

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

Case No: 23-CT-094

**Terry L. Cooper-Blackowl
Defendant**

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, Terry L. Cooper-Blackowl.

Background

In accordance with 3 O.C. 309.6-7, Defendant was cited for allegedly violating Maintaining a Chronic Nuisance House, 1st Offense, due to four disturbances which resulted in police contact at Defendant's residence. The Defendant did not appear at the initial citation pre-trial hearing on February 15, 2024, as a result, Plaintiff's attorney motioned the Court to continue this hearing to the Court's next citation hearing date. The Court granted Plaintiff's request. A citation pre-trial hearing was held on March 21, 2024.

Principles of Law

Title 3. Oneida Judiciary – Chapter 309: Public Peace

309.6. Civil Infractions Against the Peace

309.6-7. *Maintaining a Chronic Nuisance House.* A person commits the civil infraction of maintaining a chronic nuisance house if he or she has three (3) or more police contacts occurring during a twelve (12) month period at the premises that he or she owns or occupies through a lease or rental agreement.

Analysis

In accordance with 3 O.C. 309.6-7, a person commits the civil infraction of maintaining a chronic nuisance house when three or more police contacts within a twelve-month period occur at a premises a person occupies through lease or rental agreement. In this case, Plaintiffs allege law enforcement responded to four disturbances at Defendant's residence between August and November 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 Maintaining a Chronic Nuisance House, 1st Offense citation and received proper notice of this hearing.
3. A citation pre-trial hearing was held March 21, 2024.
 - a. At the citation pre-trial hearing, Defendant acknowledged her rights.
4. At the citation pre-trial hearing the parties proposed a stipulation and agreement to the Court for consideration.
 - a. Defendant ADMITTED to Maintaining a Chronic Nuisance House, 1st Offense, as a result, Defendant agreed to pay \$250.00 fine and \$25.00 in court costs to the Oneida Judiciary within sixty (60) days of a signed court order.
 - b. Defendant verbally stated she entered into the proposed agreement free of duress and coercion.

Order

1. The Court accepts and approves the agreement of the parties as described below:
 - a. The Court accepts Defendant's ADMIT plea to Maintaining a Chronic Nuisance House, 1st Offense citation, therefore Defendant is GUILTY of said violation.
 - b. **23-CT-094; Maintaining a Chronic Nuisance House, 1st Offense – 309.6-7.**

Fine:	\$250.00
Court Costs:	<u>\$25.00</u>
Total Amount owed by Defendant:	\$275.00
 - c. The Total amount of \$275.00 shall be due to the Oneida Judiciary within sixty (60) calendar days of a court order.

The total amount due is payable to the Oneida Judiciary **within sixty (60) 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 March 28, 2024.


John E. Powless III, Trial Court Judge