

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

---

**TRIAL COURT**

---

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

**v.**

**Case No: 24-CT-001**

**Cheyenne M. 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, Cheyenne M. Blackowl.

**Background**

In accordance with 3 O.C. 309.6-1, Defendant was cited for allegedly violating Disorderly Conduct, 1<sup>st</sup> Offense, stemming from an incident that occurred on December 23, 2023, as a result, a citation pre-trial hearing was held on March 21, 2024. Also, the Disorderly Conduct citation issued to Defendant initially identified the incorrect hearing date. On January 10, 2024, Plaintiffs provided Defendant the correct hearing date information.

**Principles of Law**

**Title 3. Oneida Judiciary – Chapter 309: Public Peace**

**309.6. Civil Infractions Against the Peace**

309.6-1. *Disorderly Conduct.* A person commits the civil infraction of disorderly conduct if he or she engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. A civil infraction of disorderly conduct may include, but is not limited to, the following behaviors:

- (a) fights with another person within the boundaries of the Reservation;
- (b) discharges a firearm or air gun that is prohibited;
- (c) makes or causes to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities;
  - (1) Between the hours of 10:00 p.m. and 6:00 a.m. any excessive noise shall be prohibited.
- (d) abuses or threatens a person on Tribal property in an obviously offensive manner;

- (e) lies or sleeps on any street, alley or sidewalk, or in any other Tribal property, or upon private property that he or she has no right to occupy; or
- (f) uses abusive, indecent, profane, or vulgar language in Tribal property, and the language by its very utterance tends to incite an immediate breach of the peace.

**Analysis**

In accordance with 3 O.C. 309.6-1, a person commits disorderly conduct when he or she engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances that tend to cause or provoke a disturbance. In this case, Plaintiffs allege Defendant violated 309.6-1, Disorderly Conduct, stemming from an incident that occurred on December 23, 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 Disorderly Conduct, 1<sup>st</sup> 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 the following stipulation and agreement to the Court for consideration:
  - a. Defendant ADMITTED to Disorderly Conduct, 1<sup>st</sup> Offense, as a result, Defendant agreed to pay \$250.00 fine and \$25.00 in court costs to the Oneida Judiciary within ninety (90) days of a signed court order.
  - b. Defendant verbally stated she entered into the proposed agreement free of duress and coercion.
  - c. Defendant admits the above fine/forfeiture constitutes a debt owed to a tribal entity and nonpayment is subject to Tribal remedy.

**Order**

1. The Court accepts and approves the agreement of the parties as described below:
  - a. The Court accepts Defendant’s ADMIT plea to Disorderly Conduct, 1<sup>st</sup> Offense citation, therefore Defendant is GUILTY of said violation.
  - b. **24-CT-001; Disorderly Conduct, 1<sup>st</sup> Offense – 309.6-1.**

Amended Fine:	\$250.00
Court Costs:	<u>\$25.00</u>
<b>Total Amount owed by Defendant:</b>	<b>\$275.00</b>
  - c. The Total amount of \$275.00 shall be due to the Oneida Judiciary within ninety (90) calendar days of a court order.

The total amount due is payable to the Oneida Judiciary **within ninety (90) 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