

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

**Bronson Metoxen Schommer,
Defendant**

Case No: 24-CT-005

Date: April 25, 2024

DEFAULT JUDGMENT

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

Appearing In-person: Plaintiffs' Attorney, Krystal John

Non-Appearance: Defendant, Bronson Metoxen Schommer

Background

In accordance with the Nation's Public Peace Law, Defendant was cited for allegedly violating 3 O.C. 309.6-7, Maintaining a Chronic Nuisance House, 1st offense. This citation stems from an alleged incident that occurred on January 27, 2024, as a result, a citation pre-trial hearing was held on April 18, 2024.

Analysis

In accordance with 3 O.C. 309.6-7, a person may receive a citation for Maintaining a Chronic Nuisance House when a person 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 with the Oneida Nation.

Here, Plaintiffs allege Defendant violated 309.6-7, Maintaining a Chronic Nuisance House. The Oneida Police Report states on January 27, 2024, the Oneida Police Department Officer Cletus Ninham, while on patrol, was approached by Ervin C. John. Mr. John advised Officer Ninham there was a disturbance at N6448 Deer Path Dr, Town of Oneida, Outagamie County. Officer Ninham followed Mr. John to the address. Upon arrival Officer Ninham discovered there was a disturbance involving Defendant at the residence, but Defendant was no longer there. On January

29, 2024, Officer Ninham spoke with Defendant, by phone. Defendant confirmed to Officer Ninham that the address of the disturbance on January 27, 2024, was Defendant's address. This incident was the 11th incident involving police contact at the address since May 2023. As a result, Defendant was properly issued a citation for maintaining a chronic nuisance house for having more than three (3) police contacts within a twelve (12) month period on a premises that is occupied through a lease or rental agreement with the Oneida Nation.

The Defendant was cited for violating the Nation's Public Peace law. Failure to appear may result in a default judgment. Here, the Defendant did not appear or provide written notice he was contesting the citation. The Defendant also did not enter into a stipulation or pay the fine listed on the citation. Therefore, the Court ordered a default judgment as described below.

Finding of Facts

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant received proper notice of this hearing.
3. Defendant resides at N6448 Deer Path Dr, Oneida, WI. 54155.
4. The residence is occupied through a lease or rental agreement with the Oneida Nation.
5. Defendant has eleven (11) police contacts at his residence within a twelve (12) month period.
6. Defendant was properly issued a citation for violating 309.6-7, Maintaining a Chronic Nuisance House, 1st offense.
7. A citation pre-trial hearing was held April 18, 2024.
 - a. The Defendant was required to appear.
 - b. The Defendant did not appear.
8. The Defendant was found in default for failure to appear.

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.

Title 8. Oneida Judiciary – Chapter 807: Citations

807.6 Hearing Procedure

807.6-1. Citation Pre-Hearing.

(f) If a defendant does not appear at the pre-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.

Order

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

24-CT-005; 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

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 April 25, 2024.



Layatalati Hill, Chief Trial Court Judge