

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

CASE NO: 24-CT-003
DATE: July 12, 2024

**Garon K. Smith,
Defendant.**

ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS

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

BACKGROUND

At a citation pre-trial hearing on May 16, 2024, Defendant appeared in-person to enter a plea to contest a citation issued to him for the alleged violation of Oneida Code of Laws (O.C.L.), 309.9-8, Possession of Prohibited Drugs – 1st offense, resulting in a \$250.00 fine plus \$25.00 court costs. The citation required a mandatory appearance. The Court accepted Defendant's plea to contest the citation and scheduled the case for a trial on July 16, 2024, at 11:00 a.m. On July 11, 2024, Plaintiff's representative, Attorney Kelly McAndrews, filed a Motion to Dismiss.

FINDING OF FACTS

1. The Court has subject matter and personal jurisdiction over this matter.
2. All entitled to notice of the citation pre-trial hearing received notice.
3. Defendant appeared in-person at the citation pre-trial hearing on May 16, 2024. Defendant was accompanied by his mother, Ms. Lisa Hill.
4. Defendant is represented by Atty. Christopher T. Froelich, attorney at law.
 - a. On May 16, 2024, Atty. Froelich filed a letter with the Trial Court with notice that he is unable to appear in-person at the May 16, 2024, citation pre-trial hearing.
 - b. On May 7, 2024, Atty. Froelich filed a notice of representation with the Trial Court.
5. Defendant was personally served the citation by Oneida Police Department (O.P.D.) officer,

- E. Metoxen. The date of service was not provided to the Court.
6. Defendant was issued a citation for the alleged violation of O.C.L. 309.9-8, Possession of Prohibited Drugs – 1st offense, resulting in a \$250.00 fine plus \$25.00 court costs.
 - a. The citation was issued in response to an incident on January 9, 2024, at the Oneida Nation Elementary School.
 7. At the hearing, Defendant acknowledged his rights and entered a plea to contest the citation.
 8. After the hearing, the parties agreed to a trial date on July 16, 2024, at 11:00 a.m.
 9. On July 11, 2024, Plaintiff filed a Motion to Dismiss.

PRINCIPLES OF LAW

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

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.

Oneida Code of Laws Title 8. Judiciary - Chapter 803 Oneida Judiciary Rules of Civil Procedure

803.7-4. *Form of Motion.* A request for a Court order shall be made by motion. The motion shall:

- (a) Be in writing unless made during a hearing or trial;
- (b) State with particularity the grounds for seeking the order; and
- (c) State the relief sought.

ANALYSIS

On July 11, 2024, Plaintiff filed a Motion to Dismiss stating they do not intend to further prosecute this matter because Defendant is no longer employed as a custodian with the Nation and any concerns that he may have placed at the elementary school are alleviated. The Court finds the request reasonable and grants the motion.

ORDER

1. Plaintiff's Motion to Dismiss is **GRANTED**.
2. This case is dismissed, with prejudice.

3. If Respondent opposes the dismissal of this case, he may file a motion stating as such within fourteen (14) days of the signing of this Order.

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council, this order was signed on July 12, 2024.



Layatalati Hill, Chief Trial Court Judge