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**TRIAL COURT**

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

**v.**

**Case No: 24-CT-011**

**Shandra D. Smith,  
Defendant**

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**ORDER**

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This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.

*Appearing In-person:* Attorney Krystal John, representing the Plaintiffs; Defendant, Shandra D. Smith.

**Background**

In accordance with 3 O.C. 309.6-7, Defendant was issued a citation for *Maintaining a Chronic Nuisance House*, 1<sup>st</sup> Offense, stemming from an incident that occurred on March 2, 2024. Defendant's appearance is required for this citation. On June 20, 2024, a pre-trial hearing was held at which time, the parties filed a Stipulation and Agreement for the Court's consideration.

**Principles of Law**

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

**309.6-6. Nuisance.** A person commits the civil infraction of nuisance whenever he or she engages in a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) in any way render the public insecure in life or in the use of property; or
- (c) greatly offend the public morals or decency.

**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**

The parties' Stipulation and Agreement amends *Maintaining a Chronic Nuisance House*, 1<sup>st</sup> Offense violation to *Nuisance*, 1<sup>st</sup> Offense. As a result, Defendant Admits to *Nuisance*, 1<sup>st</sup> Offense violation, and agreed to pay \$100.00 fine and \$25.00 court costs within ninety (90) days of a court order.

### **Findings of Fact**

The Court finds as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. On March 2, 2024, the Oneida Police Department cited Defendant with *Maintaining a Chronic Nuisance House*, 1<sup>st</sup> Offense in accordance with 3 O.C. 309.6-7.
4. On June 20, 2024, a pre-trial hearing was held.
  - a. Defendant acknowledged her rights at the hearing.
5. The parties stipulated to the following agreement at the pre-trial hearing:
  - a. To amend *Maintaining a Chronic Nuisance House*, 1<sup>st</sup> Offense violation to *Nuisance*, 1<sup>st</sup> Offense.
    - i. Defendant Admitted to *Nuisance*, 1<sup>st</sup> Offense violation, 309.6-6.
    - ii. As a result, *Nuisance*, 1<sup>st</sup> Offense fine is \$100.00 and \$25.00 in court costs shall be due to the Judiciary within ninety (90) days from a court order or by Tuesday, September 17, 2024.
6. Defendant willingly agrees to proposed stipulation without coercion.
7. The Defendant agrees to the fine and/or forfeiture constitutes debt owed to a tribal entity and non-payment is subject to Tribal remedy.
8. The Court is agreeable to the parties' Stipulation and Agreement.

### **Order**

1. The Court accepts and approves the agreement between the parties as described below:
  - a. Defendant's Admits to amended violation, *Nuisance*, 1<sup>st</sup> Offense.

i. 24-CT-011; *Nuisance*, 1<sup>st</sup> Offense, 309.6-6.

**Fine:** **\$100.00**

**Court costs:** **\$25.00**

**Amount owed by Defendant:** **\$125.00**

ii. The total amount owed by Defendant shall be due to the Oneida Judiciary within ninety (90) days from this court order or by **Tuesday, September 17, 2024.**

2. Failure to pay is subject to the Nation's laws and remedies.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council an Order was signed on June 20, 2024.



John E. Powless III  
Trial Court Judge