

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

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**TRIAL COURT**

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

**CASE NO: 24-CT-022**  
**24-CT-023**

**v.**  
**Truman G. Powless,**  
**DEFENDANT.**

**DATE: August 27, 2024**

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**STIPULATION AND FINAL JUDGMENT**

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This case has come before the Oneida Trial Court, Honorable Patricia Ninham Hoeft presiding.

*Appearing In-person:* Attorney Carl Artman, representing Plaintiffs; Defendant, Truman G. Powless.

**BACKGROUND**

Defendant, Truman G. Powless (hereinafter “Powless”), was issued two citations for the alleged offenses of *Truancy*, O.C.L. 309.8-4. The citations were issued in response to a report from the Oneida Nation Elementary School where each of Powless’s four children missed more than 25 days of school and 60 instances of tardiness during the period of August 2023 to May 13, 2024. The children’s parents, Powless and Mary E. Mendoza, were each issued two citations, one for every two children, stemming from this matter. On August 15, 2024, a pre-trial hearing was held. The parties, Powless and Plaintiffs’ attorney, agreed to a stipulation and presented the written stipulation to the Court. The Court found the stipulation reasonable and approved it.

**FINDING OF FACTS**

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant, Truman G. Powless (hereinafter, “Powless”), received proper notice of this hearing.
3. A citation pre-trial hearing was held on August 15, 2024.
4. Powless appeared without legal representation.

5. Powless acknowledged his rights; he submitted a signed Acknowledgment of Rights Form to the Court.
6. Powless and the other parent, Mary E. Mendoza, were each issued two citations for truancy of their four children, one citation for every two children.
7. Powless was issued the following citations:
  - a. 24-CT-022, Truancy, O.C.L. 309.8-4 – 1<sup>st</sup> Offense
    - i. Fine \$50.00 plus \$25.00 court costs.
    - ii. This citation required a mandatory appearance.
    - iii. This citation was one of two citations issued to Powless for the alleged failure to ensure two of his four children attended school and on time.
  - b. 24-CT-023, Truancy, O.C.L. 309.8-4 – 1<sup>st</sup> Offense
    - i. Fine \$50.00 plus \$25.00 court costs.
    - ii. This citation required a mandatory appearance.
    - iii. This citation was the second of two citations issued to Powless for the alleged failure to ensure two of his children attended school and on time.
8. Plaintiffs' attorney and Powless agreed to the following stipulation:
  - a. Plaintiffs' attorney agreed to dismiss one of the citations, 24-CT-022; and dismissed the fine for the remaining citation, 24-CT-023.
  - b. Powless entered a plea of admit to the citation, 24-CT-023
9. The parties submitted a written stipulation to the Court. The Court found the stipulation reasonable and approved it.
10. The Court finds Powless guilty.
11. After the hearing, Powless paid the \$25.00 court costs.

### ANALYSIS

Powless was issued two citations for alleged violations of O.C.L. 309.8-4, *Truancy*. Powless has four children. Powless and the children's other parent, Mary E. Mendoza, were each issued two citations, one for every two children, in this matter. Each of the two citations represented truancy of two children. Powless appeared without legal representation at a pre-trial hearing. The parties, Plaintiffs' attorney and Powless, agreed to a stipulation and agreement. Plaintiffs' attorney agreed to dismiss one of the citations and dismiss the fine for the remaining citation. Powless

agreed to enter a plea of admit. The Court found the stipulation reasonable and approved it. After the hearing, Powless paid the \$25.00 court costs. Thus, the Court finds Powless guilty, and this case is closed.

## **PRINCIPLES OF LAW**

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

**309.8-4. *Truancy.*** A person commits the civil infraction of truancy if he or she fails without good cause to ensure that a child he or she is responsible for the care of attends school in accordance with the rules of the school district in which the child is enrolled.

### **Oneida Code of Laws Title 8. Judiciary - Chapter 807 Citations**

#### **807.5. Stipulations**

**807.5-1. *Authority for Stipulations and Case Settlement.*** An authorized attorney of the Nation is granted the discretion to seek the settlement of a citation.

- (a) When seeking to enter into a stipulation the authorized attorney shall explain to the defendant all provisions included in the stipulation as required by section 807.5-2(a)-(d).

**807.5-2. *Form of Stipulation.*** Any stipulation between an authorized attorney and the defendant shall be in writing and signed. The stipulation shall include the following:

- (a) A summary of the citation violation information included on the citation;
- (b) The details of the stipulation including any fine, penalty, condition, or payment plan the defendant shall comply with;
- (c) A statement that by entering into the stipulation the defendant is admitting that he or she committed the act for which the citation was issued or is entering a plea of no contest and thereby waives his or her right to contest the citation with the Court; and
- (d) A statement that all parties signed the agreement free of duress and coercion.


**807.5-3. *Submission of the Stipulation to the Court.*** If the authorized attorney and defendant reach an agreement through the stipulation, the stipulation shall be submitted to the Court for the Court's approval.

**ORDER**

1. The written Stipulation and Agreement, as incorporated in this order, is **APPROVED**.
2. The Court accepts Defendant's plea of **ADMIT** and finds Defendant **GUILTY** of violating 24-CT-023, O.C.L. 309.4, *Truancy* – 1<sup>st</sup> offense.
3. Defendant satisfied all conditions of the stipulation.
4. This case is closed.

**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 is signed on August 27, 2024.

  
Patricia Ninham Hoeft, Trial Court Judge