

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

**CASE NO: 24-CT-034
24-CT-036
DATE: November 26, 2024**

**Michael L. Hill,
Defendant.**

DEFAULT JUDGMENT

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

Appearing by telephone: Atty. Krystal John, on behalf of Plaintiffs.

Not appearing: Michael L. Hill, Defendant.

BACKGROUND

Defendant was issued two citations for alleged violations of the Oneida Code of Laws (O.C.L.), Chapter 309, Public Peace. The first citation was issued for a violation of 309.6-1, Disorderly Conduct, stemming from an incident on September 8, 2024. The first offense violation carries a \$250.00 fine plus \$25.00 for court costs. The second citation was issued for a violation of 309.6-6, Nuisance, stemming from an incident on September 17, 2024. The first offense violation requires a mandatory appearance and carries a \$100.00 fine plus \$25.00 for court costs. On November 21, 2024, a citation pre-trial hearing was held. Defendant did not appear.

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. The Oneida Police Department (OPD) issued Defendant the following two citations:
 - a. Disorderly Conduct, O.C.L. 309.6-1 – 1st offense, \$250.00 fine plus \$25.00 court costs stemming from an incident on September 8, 2024.
 - b. Nuisance, O.C.L. 309.6-6 – 1st offense, \$100.00 fine plus \$25.00 court costs stemming from an incident on September 17, 2024. The citation listed Defendant's appearance to be mandatory.
4. On November 21, 2024, a citation pre-trial hearing was held.
5. Defendant did not appear at the hearing.
6. Prior to the hearing, the Court did not receive payment from Defendant of the fine.
7. Prior to the hearing, the Court did not receive any communication from Defendant to obtain permission to be excused from the hearing or to reschedule the hearing to a later date.
8. The Court found Defendant in default for failing to appear at the hearing.

ANALYSIS

At the November 21, 2024 citation pre-trial hearing, Defendant did not appear. When a Defendant is properly notified of the hearing and does nothing prior to the hearing and does not attend the hearing, the Court may find Defendant in default and enter a judgment. In this case, the Court received no communication and payment of fines from Defendant prior to the hearing. Thus, the Court finds Defendant in default for not appearing. During the hearing, Plaintiffs' attorney motioned the Court to enter a default judgment against Defendant for the full amount of the fines and court costs. The Court finds the motion reasonable. Thus, the Court grants the motion and finds Defendant guilty for both citations. Therefore, the Court orders Defendant to pay the fines and court costs within 90 days after this order is signed.

PRINCIPLES OF LAW

O.C.L. Title 3. Health & Public Safety – 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:

(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.

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.

O.C.L. Title 8. Judiciary – Chapter 807 Citations

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.

O.C.L. Title 8. Judiciary – Chapter 801 Judiciary, Rule #1 – Oneida Trial Court Rules

1.5 Default Judgment

1.5-1. If a party fails to appear at any Trial Court matter, the Court shall confirm and be satisfied that proper notice was provided.

1.5-3. If the Trial Court finds that proper notice was provided, the Trial Court may enter judgment against the party that failed to appear. The Trial Court, in its discretion, may require a

party to produce sufficient evidence to support a judgment against the other party.

O.C.L. Title 8. Judiciary – Chapter 803 Oneida Judiciary Rules of Civil Procedure

803.29-6. *Setting Aside a Default or a Default Judgment.* The Court may set aside an entry of default for good cause, and it may set aside a default judgment under Rule 803.33-2 within one (1) year of entry of default or default judgment.

803.33-2. *Grounds for Relief from a Final Judgment, Order, or Proceeding.* On motion and just terms, the Court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (a) Mistake, inadvertence, surprise, or excusable neglect;
- (b) Newly discovered evidence that, with reasonable diligence, could not have been discovered;
- (c) Fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (d) The judgment is void;
- (e) The judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (f) Any other reason that justifies relief.

ORDER AND DEFAULT JUDGMENT

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

1. The Court finds Defendant GUILTY of the following citations:

a. Citation 24-CT-034, Disorderly Conduct – 1st offense, O.C.L 309.6-1

Fine: \$250.00

Court costs: \$ 25.00

Amount owed by Defendant: \$275.00

b. Citation 24-CT-036, Nuisance – 1st offense, O.C.L 309.6-6

Fine: \$100.00

Court costs: \$ 25.00

Amount owed by Defendant: \$125.00

2. Defendant shall pay **\$400.00, which is the total amount owed for both citations**, to the Oneida Judiciary, **on or before February 23, 2025**. 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 November 26, 2024.



Patricia Ninham Hoeft, Trial Court Judge