

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

CASE NO: 24-CT-052

DATE: March 4, 2025

**Desiree T. Doxtator,
Defendant.**

DISMISSAL ORDER

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

Appearing telephonically: Desiree T. Doxtator, Defendant; Plaintiffs' Attorney, Kelly McAndrews.

BACKGROUND

Defendant was issued a citation for the alleged violation of Oneida Code of Laws (O.C.L.) 309.6-7, Maintaining a Chronic Nuisance House – 1st offense that carries a \$250.00 fine plus \$25.00 for court costs, requiring a mandatory appearance at a citation pre-trial hearing on February 20, 2025. Both parties appeared by telephone at the hearing. Defendant appeared pro se. At the hearing, Plaintiffs' Attorney motioned the Court to dismiss the citation.

FINDINGS OF FACT

1. The Court has subject matter and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. The Oneida Police Department personally issued Defendant the following citation:
 - a. 309.6-7, Maintaining a Chronic Nuisance House – 1st offense, \$250.00 fine plus \$25.00 court costs for an alleged incident occurring on November 19, 2024, at Defendant's residence.
 - b. Defendant resides at N5834 Sand Hill Circle, Oneida, WI 54155.

- c. Defendant's appearance at the February 20, 2025 citation pre-trial hearing was mandatory.
4. At the February 20, 2025 citation pre-trial hearing, the following took place:
 - a. both parties appeared by telephone;
 - b. Defendant appeared pro se and acknowledged understanding of her rights; and
 - c. Plaintiffs' Attorney motioned the Court to dismiss the citation, and acknowledged that the Defendant is responsible to pay the Oneida Judiciary \$25.00 for court costs.
5. Plaintiffs' Attorney testified at the hearing that the citation was issued in response to alleged conduct by another individual and separate from the number of police contacts that must be compiled to show chronic nuisance.

PRINCIPLES OF LAW

O.C.L. Title 3. Health & Public Safety - Chapter 309 Public 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.

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

803.21. Dismissal of Action

803.21-1. Voluntary Dismissal.

(a) *By the Plaintiff.*

(1) *Without a Court Order.* The plaintiff may dismiss an action without a Court order by filing:

(A) A notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(B) A stipulation of dismissal signed by all parties who have appeared. (2)

Effect. Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any action based on or including the same claim, a notice of dismissal operates as adjudication on the merits.

(b) *By Court Order; Effect.* Except as required in Rule 803.21-1(a)(1), an action may be dismissed at the plaintiff's request only by Court order, on terms that the Court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (b) is without prejudice.

ANALYSIS

The Court is required to determine if Plaintiffs' attorney's motion to dismiss is on terms considered by the Court to be proper. In this case, Plaintiffs' attorney argued that the citation was issued in response to alleged conduct by another individual and separate from the number of police contacts that must be compiled to show chronic nuisance. As a result, Plaintiffs' Attorney motioned the Court to dismiss the citation. Defendant accepted the motion but asked the Court to be aware of past instances where Defendant made multiple calls to police for protection of her family against situations of harassment by a neighbor. Because both parties agreed with Plaintiffs' motion to dismiss and the Court finds the terms proper, the Court grants the motion to dismiss.

ORDER

1. Plaintiffs' Attorney's motion to dismiss case 24-CT-052 is **GRANTED**.
2. Defendant shall pay the Oneida Judiciary \$25.00 for court costs within thirty (30) days after this order is signed. 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, this Order was signed on March 4, 2025.


Patricia Ninham Hoeft, Trial Court Judge