

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

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**TRIAL COURT**

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

**v.**

**CASE NO: 25-CT-002**

**DATE: March 4, 2025**

**Marina L. Melchert,**  
**Defendant.**

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**ORDER AND STIPULATION**

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

*Appearing in-person:* Marina Melchert, Defendant, and Shirley Melchert, Defendant's mother.

*Appearing telephonically:* 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 – 1<sup>st</sup> offense that carries a \$250.00 fine plus \$25.00 for court costs and requiring a mandatory appearance at a citation pre-trial hearing on February 20, 2025. Defendant appeared pro se and was accompanied by her mother, Ms. Shirley Melchert. At the hearing, Plaintiffs' Attorney motioned the Court to accept and approve the parties' verbal agreement for settlement of this case.

**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 – 1<sup>st</sup> offense, \$250.00 fine plus \$25.00 court costs for an alleged incident occurring on December 28, 2024, at

- Defendant's residence.
- b. Defendant resides at 1211 Chief Hill Drive, Green Bay WI.
  - 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. Plaintiffs' attorney appeared by telephone;
  - b. Defendant appeared pro se and was accompanied by her mother, Ms. Shirely Melchert;
  - c. Defendant acknowledged that she understood her rights; and
  - d. Plaintiffs' Attorney motioned the Court to accept and approve a verbal agreement for the settlement of this case.
5. At the citation pre-trial hearing, the parties presented the following verbal agreement for the Court's consideration:
- a. Plaintiffs' attorney agreed to do the following:
    - i. amend the violation to 309.6-6 Nuisance from 309.6-7 Maintaining a Chronic Nuisance House; and
    - ii. waive the fine.
  - b. Defendant agreed to enter the plea "Admit" to O.C.L. 309.6-6 Nuisance violation.
  - c. Plaintiffs' attorney requested, and Defendant agreed, that the Court recognize that the agreement is based on Defendant's efforts to take responsibility for her conduct.
  - d. Defendant entered into the agreement voluntarily and without coercion.

## **PRINCIPLES OF LAW**

### **O.C.L. Title 3. Health & 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. 309.6-8. *Interfering with Lawful Arrest or Resisting Arrest.* A person commits the civil infraction of interfering with lawful arrest or resisting arrest if by force, violence or other means, he or she:

- (a) interferes, hinders or resists any Oneida Police Department officer in the performance of his or her official duties;
- (b) flees from any Oneida Police Department officer who is attempting to lawfully arrest or detain him or her; or
- (c) assists another to avoid a lawful arrest or harbors a fugitive.

#### **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.

- (a) If the Court enters an order approving the stipulation as written, a copy of the order shall be provided to the authorized attorney and defendant.

**807.6-1. Citation Pre-Hearing.**

(d) At the pre-hearing the Court shall accept pleas which either contest or admit committing the act for which the citation was issued, or a plea of no contest.

(1) If the defendant admits committing the act for which the citation was issued the Court shall provide a statement that by admitting that he or she committed the act for which the citation was issued the defendant thereby waives his or her right to contest the citation with the Court. The Court shall obtain an affirmative acknowledgment from the defendant of that waiver of rights.

**ANALYSIS**

When the parties present a settlement of their case for the Court's approval, the Court must determine that the parties entered the agreement voluntarily and without coercion. In this case, Plaintiffs' Attorney agreed to amend the violation to one with a lesser fine and waive the fine, and Defendant agreed to enter a plea of admit to the amended charge and take responsibility for her actions. Defendant was issued a citation for allegedly making numerous 911 calls and then behaving disrespectfully to the emergency responders. Defendant's mother, Ms. Shirley Melchert, accompanied her daughter at the hearing and said her daughter suffers from anxiety which is the cause for this conduct. Because the agreement is reasonable and the parties entered into it voluntarily and without coercion, the Court approves the agreement.

**ORDER**

1. The parties' verbal agreement as incorporated in this order is **APPROVED**.
2. The Court accepts Defendant's plea of Admit and finds Defendant GUILTY of the following violation:

25-CT-002, O.C.L.309.6-6. Nuisance – 1<sup>st</sup> offense

Fine: Waived


Court costs: \$25.00

**Amount owed by Defendant: \$25.00**

3. Defendant shall pay the Oneida Judiciary \$25.00 for court costs within 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