

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

CASE NO: 25-CT-010

DATE: April 9, 2025

**Tina Christjohn,
Defendant.**

STIPULATION AND ORDER

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

Appearing telephonically: Attorney Krystal John, representing Plaintiffs.

Appearing in-person: Tina Christjohn, Defendant.

BACKGROUND

Defendant in this case appeared pro se at a citation pre-hearing on March 20, 2025. Defendant was issued a citation for the alleged violation of Oneida Code of Laws (O.C.L.) 309.5-3, Trespass – 1st offense that carries a \$250.00 fine plus \$25.00 for court costs, stemming from an incident on January 12, 2025. At the March 20, 2025 pre-hearing, the parties presented a written stipulation for the Court's consideration.

FINDINGS OF FACT

1. The Court has subject matter and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. An Oneida Police Department (OPD) officer personally issued Defendant the following citation:
 - a. O.C.L. 309.5-3, Trespass, 1st offense, \$250.00 fine plus \$25.00 court costs, stemming from an incident on January 12, 2025.

4. At the citation pre-hearing on March 20, 2025, Defendant appeared without legal representation, and she acknowledged she understood her rights after reviewing the Acknowledgement of Rights form.
5. During the citation pre-hearing, the parties presented a written stipulation signed by both parties that is incorporated into this order as follows:
 - a. Plaintiffs' Attorney agreed to replace the violation of O.C.L. 309.5-3 Trespass with a violation of O.C.L. 309.10-1 *Littering* – 1st offense and a fine of \$150.00 plus \$25.00 for court costs; and
 - b. Defendant agreed to the following:
 - i. To enter the plea of Admit to a violation of *Littering*.
 - ii. Defendant admits she entered upon property that was known to her to be private property and dumped her trash in the property-owner's dumpster.
 - iii. To pay the sum of \$175.00 for the fine and court costs within thirty (30) days after this order is signed; and
 - c. Defendant said she entered into the stipulation free of duress and coercion.
6. The Court found the stipulation reasonable and approved it.

PRINCIPLES OF LAW

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

309.10-1. *Littering*. A person commits the civil infraction of littering if he or she deposits, throws, dumps, discards, abandons, leaves any litter on any private property or Tribal property.

O.C.L. 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

In this case, the parties appeared at a citation pre-hearing on March 20, 2025, and presented a written stipulation for the Court's consideration. Defendant appeared without legal representation and without a copy of the stipulation. The Court provided Defendant with a copy of the stipulation and then reviewed it with the parties. The written stipulation was signed by Defendant on March 17, 2025, and electronically signed by Plaintiffs' Attorney on March 18, 2025. During the review, Defendant said she disagreed with the statement included in the stipulation that required her to admit to certain facts. As a result, the Court recessed the hearing for about fifteen (15) minutes to provide the parties with time to continue working on their stipulation. After the recess, Plaintiffs' Attorney reported, and Defendant agreed, that the stipulation as presented is ready for the Court's consideration. Defendant said she signed the

stipulation free of duress and coercion. Thus, the Court finds the written stipulation reasonable and approves it.

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 O.C.L. 309.10-1, *Littering* – 1st offense.
3. **Case # 25-CT-010**

O.C.L. 309.10-1, *Littering* – 1st offense, \$150.00 fine plus \$25.00 court costs:

Fine: \$ 150.00


Court Costs: + \$ 25.00

Amount Owed by Defendant: \$ 175.00

4. Defendant shall pay the Oneida Judiciary \$175.00 for the fine and court costs within thirty (30) days after this order is signed or **on or before May 9, 2025**. 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 April 9, 2025.



Patricia Ninham Hoeft, Trial Court Judge