

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

CASE NO: 25-CT-024

DATE: June 27, 2025

**Teri I. Webster,
Defendant.**

ORDER

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

Appearing in-person: Teri I. Webster, Defendant; Plaintiffs' attorney, Kelly McAndrews.

BACKGROUND

On May 29, 2025, a citation pre-hearing was held. Defendant was issued a citation for the alleged violation of O.C.L. 309.8-4, Truancy – 1st offense with a \$50.00 fine plus \$25.00 for court costs. At the hearing, Defendant entered a plea of no contest.

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 (OPD) personally issued Defendant with one (1) citation for the alleged truancy of two (2) children. The citation was a first offense violation of O.C.L. 309.8-4, Truancy that carries a \$50.00 fine plus \$25.00 for court costs.
4. At 10:00 a.m. on May 29, 2025, a citation pre-hearing was held for Defendant to enter a plea to the citation alleging a violation of the Oneida Nation's truancy law.
 - a. Defendant was not present when the hearing started at 10:00 a.m.
 - b. The Court did not receive any communication from Defendant prior to the hearing to request permission to appear at a later time or date.

- c. The Court proceeded with the hearing without Defendant's presence.
 - d. The Court found Defendant in default for failing to appear and granted the motion by Plaintiffs' attorney for a default judgment against Defendant.
5. At 10:15 a.m. on May 29, 2025, shortly after the hearing's adjournment, Defendant and her two children were escorted into the Courtroom by the Security Officer. The Court was notified by the Officer that Defendant and her two children were in the Court building at 9:58 a.m. but missed her 10:00 a.m. hearing because she and the children were not in the lobby at 10:00 a.m. when the Officer was asked to escort the parties into the Courtroom. As a result, the Court held a hearing to set aside the default judgment to allow the Defendant to enter a plea. At the hearing,
- a. Defendant appeared pro se and stated she understood her rights as listed in the Acknowledgment of Rights form;
 - b. Plaintiffs' Attorney declined to offer a stipulation to the Defendant; and
 - c. Defendant entered a No Contest plea to the citation.
- d. The citation was assigned to the truancy of Defendant's eldest child, K.M.W., d.o.b. 08/16/2014.

PRINCIPLES OF LAW

O.C.L. Title 3. Health & 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.

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

807.6-1. Citation Pre-Hearing. All citations shall include a pre-hearing date with the Court which shall be set at least thirty (30) days after the citation was issued, unless stated otherwise by a law of the Nation.

- (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.

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

803.29. Default; Default Judgment

803.29-1. Appearance Required. Parties to a case are required to appear before the Court at any

scheduled hearing or proceeding.

803.29-2. *Defendant*. When a party against whom a judgment for relief is sought has failed appear, plead or otherwise defend as required in this Law or elsewhere, a default judgment may be granted by the Court upon the receipt of whatever evidence is deemed necessary to establish the claim.

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.

ANALYSIS

Defendant was cited for one violation of O.C.L. 309.8-4, Truancy. A person commits truancy if they fail without good cause to ensure that a child they are responsible for the care of attends school in accordance with the rules of the school district in which the child is enrolled. In this case, Defendant is the parent of two children who each missed school 19 unexcused days and late 22 days during the period of when school started for the 2024-2025 academic year through March 11, 2025.

At a citation pre-hearing, Defendant entered a plea of no contest to the citation. Because citations are issued for truancy of one child and not truancy committed by two or more children, Plaintiffs' Attorney agreed to assign this citation to Defendant's 10-year-old child, K.M.W., d.o.b. 08/16/2014. Because Defendant's plea of No Contest was reasonable, the Court finds Defendant guilty and orders Defendant to pay the fine plus court costs.

ORDER

1. The Court accepts Defendant's No Contest plea and finds Defendant GUILTY.
2. A judgment is entered in favor of Plaintiffs and against Defendant in the amount as follows:

Truancy– 1st Offense – 309.8-4

Fine:	\$50.00
Court Costs:	<u>\$25.00</u>
Total Amount owed by Defendant:	\$75.00

3. The total amount due is payable to the Oneida Judiciary **within 30 calendar days** from the date 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 June 27, 2025.


Patricia Ninham Hoeft, Trial Court Judge