

SAINT REGIS MOHAWK TRIBAL COURT

Saint Regis Mohawk Tribe,)	Case No.: 17-TRF-00567
)	
)	
-V-)	DECISION AND ORDER
)	
Bernice Lazore,)	
Respondent(s))	

Procedural History

On July 28, 2017 the Respondent, Bernice Lazore, was cited by the Saint Regis Mohawk Tribal Police (hereinafter SRMT Police) for failure to yield right of way.

A notice of appearance was filed with the Court on August 4, 2017 by Peter J. Herne, representing the Respondent in the matter.

The initial appearance was held on September 18, 2017 in Saint Regis Mohawk Tribal Court (hereinafter SRMT Court). At the initial appearance, the Respondent’s attorney filed a motion to dismiss the ticket, and a request for the Court to order the SRMT Police to produce all documents and information within its possession regarding the matter to the respondent.

The Court scheduled the motion to be heard on October 30, 2017. The Respondent’s attorney appeared before the Court as well as Belson Herne representing the SRMT Police. The SRMT Police requested a continuance in the matter by letter on October 30, 2017.

Applicable Law

The Saint Regis Mohawk Tribal Traffic Law was adopted by the Saint Regis Mohawk Tribal Council,

“for the purpose of regulating vehicle traffic on and through the Saint Regis Mohawk Indian Reservation to protect the health, safety, and welfare of both the members of the Saint Regis Mohawk Tribe and the general public passing through the territory of the Saint Regis Mohawk Tribe”.¹

Jurisdiction

The Saint Regis Mohawk Tribal Traffic Law provides that,

¹ SRMT Traffic Law Tribal Council Resolution 2012-15.

“The Peacemakers Court Civil Traffic division shall be the sole arbiter of all summons and complaints filed under this Act.”²

Analysis

The Saint Regis Mohawk Tribe Rules of Civil Procedure require that any motion made outside of trial or during a hearing notify the other parties of the motion at least 10 days prior to the motion being heard by the Court.³ The Respondent filed the motion to dismiss and the request to produce documents on September 18, 2017 which satisfied the timing requirement under Tribal Law. The letter by the SRMT Police which requested a continuance in this matter was not filed with the Court until October 30, 2017 the day of the appearance.

Order

Therefore, the ticket issued by the SRMT Police for failure to yield right of way to the Respondent Bernice Lazore is hereby **DISMISSED WITH PREJUDICE**.

Signed by my hand this 5th day of November 2017.



Micaelee Horn
Traffic Court Judge
Saint Regis Mohawk Tribal Court

² SRMT Traffic Law Tribal Council Resolution 2012-15.

³ SRMT Rules of Civil Procedure § XVI [Rule 13] (B).