

# *Oneida Tribal Judicial System*

Onlayote ʔ aka Tsiʔ Shakotiyaʔ Tolé hte

August 22, 2014

Michael T. Debraska, Leah Sue Dodge, Franklin Cornelius, John Orié, Bradley Graham  
Appellants

Oneida Business Committee  
Oneida Election Board

Respondents

**Re: Notice of Appeal**

Docket #14-AC-012 Michael T. Debraska, Leah Sue Dodge, Franklin Cornelius, John Orié,  
Bradley Graham vs. Oneida Business Committee, Oneida Election Board, Oneida Law Office

This letter is to inform you that the Oneida Tribal Judicial System, Appellate Court has accepted the above captioned case for appellate review and will come before Judicial officers; Lead Judicial Officer Janice L. McLester, Judicial Officer Winnifred Thomas, Judicial Officer Lois Powless, Judicial Officer Stanley Webster, and Pro Tem James VanStippen. A copy of the Initial Review decision is provided for your reference. In addition, a copy of all documents provided by the Appellant in the Notice of Appeal will be forwarded for use in preparing the Respondent's brief.

In accordance with Rule 13 of the Rules of Appellate Procedure, the Appellant's Brief will be due on **September 22, 2014**. This brief should be no more than twenty (20) typed pages, double spaced. File an original plus seven (7) copies of the brief for use by the judicial officers and the opposing party.

Do not hesitate to contact me with any questions that you may have in this matter.

Sincerely,



Vicki L. Kochan  
Clerk of Appellate Court

enc: Initial Review Decision  
Notice of Appeal

c: Kristina Danforth, Clerk of Trial Court  
file

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APPELLATE COURT, INITIAL REVIEW**

**Docket/Parties:** # 14-AC-012 Michael T. Debraska, Leah Sue Dodge, Franklin Cornelius, John Orié, Bradley Graham vs. Oneida Business Committee, Oneida Election Board, Oneida Law Office.

**Date Filed:** August 22, 2014

**Date of Initial Review:** August 22, 2014

The purpose of Initial Review (IR) is to answer threshold questions regarding the jurisdiction of a case and the procedural and material sufficiency of the **Notice of Appeal**. **IR will determine if a case is ripe for appellate review and if not ripe, will determine which Original Hearing Body (OHB) has jurisdiction.** IR may affirm or overturn a single issue decision of an OHB where that similar issue has been settled as a matter of law by previous appellate court decisions. In accordance with the Oneida Nation Administrative Procedures Act, §1.8-1(f) and the Oneida Tribal Judicial System, Appellate Court, Rules of Appellate Procedure, the IR body shall accept an appeal when an Appellant **alleges with sufficient clarity** that the **OHB decision** contains one or more of the following elements:

1. \_\_\_ A violation of constitutional provisions.
2. \_\_\_ The decision is outside the scope of the authority or otherwise unlawful.
3. \_\_\_ The decision is clearly erroneous and is against the weight of the evidence presented at the hearing level.
4. X The decision is arbitrary and/or capricious
5. \_\_\_ There is exhibited a procedural irregularity which would be considered a harmful error that may have contributed to the final decision, which if the error had not occurred, would have altered the final decision.
6. \_\_\_ There is presentation or introduction of new evidence that was not available at the hearing level, which, if available, may have altered the final decision.

**INITIAL REVIEW DECISION**

Judicial Officers Janice L. McLester, Winnifred L. Thomas and Stanley R. Webster presiding.

**Accepted: In accordance with the Oneida Tribal Judicial System, Appellate Rules of Procedure, Rule 9(D)(4):** *The decision is arbitrary and/or capricious. A decision is arbitrary and capricious when there has been a clear error of judgment and there is no rational connection between the facts found and the ruling made.*

And In accordance with Rule 17(B) Relief Pending Appeal: A party may move the appellate court of the OTJS for a stay of enforcement of the lower hearing body order or judgment pending the final adjudication of the appeal. The appellate court of the OTJS may issue such an order upon its own motion or the motion of a party.

It is found to be in the best interest of the parties to place a stay on the August 23, 2014 Special Election of the Oneida Judiciary until final adjudication of this appeal.

TO: The Original Hearing Body in the above captioned case. Notice is hereby given that the Oneida Tribal Judicial System, Appellate Court has taken jurisdiction of this case and requests all evidence used by the lower hearing body and a copy of the decision. The evidence should be mailed or delivered within fourteen (14) calendar days upon receipt of this request. Evidence will be mailed or delivered to:

**The Oneida Tribal Judicial System  
P.O. Box 19, Suite # 1 Ridgeview Plaza  
3759 West Mason Street, Oneida, WI 54155**

**Lead Judicial Officer Signature and Date:**

*Janice L. McLester 8.22.14*