

Cherokee Nation Code Annotated

Title 20: Courts

Appendix II. Court Rules for the District Court of Cherokee Nation

V. Dockets

Rule 41. Citation docket

Cite as: 20 CNCA app. II, r. 41

There shall be a Judge assigned to be responsible for the docket concerning all citations issued pursuant to the following procedures and rules:

The peace officer shall set all citations and promises to appear at the Cherokee Nation Courthouse, Cherokee Nation Capitol Square, 101 S. Muskogee Ave., Tahlequah, Oklahoma. Citations may be disposed of pursuant to 22 CNCA § 1115 et seq.

All cases in which the defendant enters a plea of not guilty at arraignment will be set on a monthly disposition docket. At the calling of the disposition docket, the defendant will have the following alternatives:

1. enter a plea of guilty or a plea of nolo contendere, subject to the approval of the Court, and be sentenced immediately;
2. waive right to trial and have the case set for sentencing on a date certain; or
3. have the case set for trial on a date certain.

No continuances will be granted except by the Court and for good cause shown.

Where a bench warrant has been issued for defendant because of non-appearance, that defendant must thereafter post bond before release, and no attorney's affidavit will be accepted in such events, except for good cause shown at the discretion of the Court. Bench warrants issued for failure to pay costs, fees, fines, etc. may be satisfied by payment of the obligation to the Court Clerk. In that event, the bench warrant may be recalled without incarceration of the defendant or the defendant may be released from custody without the necessity of being brought personally before the Court.

Pleas of guilty to traffic tickets may be entered before the Court Clerk in person or by mail in accordance with 22 CNCA § 1115, in all cases except the following:

- a. driving while under the influence of intoxicating liquor or drugs;
- b. being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs;
- c. driving with a blood-breath alcohol concentrate of 0.08 or more;

- d. leaving the scene of an accident;
- e. driving without a license or while license is suspended or revoked;
- f. reckless driving;
- g. any other charge filed because of a motor vehicle accident in which personal injury or death occurred; or
- h. crimes which if committed under the laws of Oklahoma would be a felony.

The fines, including court costs, imposed upon a plea of guilty entered before the Court Clerk shall be as provided in by order of the District Court.

Any person violating the provisions of 47 CNCA § 10, 47 CNCA § 11, 47 CNCA § 12, 47 CNCA § 13, 47 CNCA § 14 or 47 CNCA § 16, where a jail sentence is not mandatory, may in the discretion of the Prosecutor and subject to the approval of the Court, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the Court.

Except as provided in paragraphs (g) and (h) above, all pleas of guilty must be made orally by the defendant before the Court.

Historical Data

SC-AD-13-02, adopted September 3, 2013.