

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part II. Crimes Against Public Justice
Chapter 19: Other Crimes Against Public Justice
§ 565. Definition of direct contempt and indirect contempt

Cite as: 21 CNCA § 565

Contempts of court shall be divided into direct and indirect contempts. Direct and indirect contempts can be civil or criminal in nature.

A. Direct and indirect contempts

1. Direct contempts shall consist of disorderly or insolent behavior committed during the session of the Court and in its immediate view, and presence, and of the unlawful and willful refusal of any person to be sworn as a witness, and the refusal to answer any legal or proper question; and any breach of the peace, noise or disturbance, so near to it as to interrupt its proceedings, shall be deemed direct contempt of court, and may be summarily punished as hereinafter provided for.

2. Indirect contempts of court shall consist of willful disobedience of any process or order lawfully issued or made by court; resistance willfully offered by any person to the execution of a lawful order or process of a Court.

B. Civil and criminal contempts

1. Civil contempts: failure to obey a court order that was issued for another party's benefit. A civil contempt procedure is coercive or remedial in nature.

2. Criminal contempts: acts that obstruct justice or attack the integrity of the court. A criminal contempt proceeding is punitive in nature.

Historical Data

LA 9—07, eff. March 21, 2007.