

**SAINT REGIS MOHAWK TRIBAL COURT
IN AND FOR THE SAINT REGIS MOHAWK TRIBE**

Saint Regis Mohawk Tribe)	
Plaintiff)	
)	Case No.: 21-TRF-00192
)	
v.)	DECISION AND ORDER
)	
NFN Kanietahare)	
Defendant)	

Procedural Background

On July 17, 2021, Saint Regis Mohawk Tribal Police issued traffic ticket #21316 to NFN Kanietahare, Defendant, (“Kanietahare”) for operating a motor vehicle and causing an accident.

On September 2, 2021, the Court held an initial appearance on this matter. Kanietahare, Defendant, and Sgt. Alexander Jock, Prosecutor, were present. Defendant requested the Court to set a hearing on this matter.

On September 29, 2021, the Court held a trial on this matter. Kanietahare appeared and was self-represented. Leroy Swamp appeared to act as Prosecutor on behalf of the Saint Regis Mohawk Tribe. The Court heard and accepted evidence from Kanietahare, Leroy Swamp, and Brandy Diabo, Saint Regis Mohawk Tribe Police Officer.

Applicable Law

The Saint Regis Mohawk Tribal Traffic Law (“SRMT Tribal Traffic Law”) and subsequent amendments govern this matter.¹

Jurisdiction

In order to address the instant case, the Court must first determine whether it possesses jurisdiction over the matter. The purpose of the Saint Regis Mohawk Tribal Traffic Law of 2000 is to regulate vehicle traffic on and through the Saint Regis Mohawk Indian Reservation.² The definition of Saint Regis Mohawk Indian Reservation includes both the Saint Regis Mohawk Reservation as established by the 1796 Treaty with the Seven Nations of Canada and any other lands over which the Tribe exercises jurisdiction now or in the future.³ Here, the alleged traffic incident occurred east of Speedway Plaza on State Route 37. Thus, the incident occurred within the borders of the Saint Regis Mohawk Indian Reservation. Therefore, the Court possesses the requisite jurisdiction.

¹ Saint Regis Mohawk Tribal Traffic Law enacted through TCR 2000-109, amended through TCR 2001-25, amended through TCR 2010-40, amended through TCR 2012-15, and amended through TCR 2018-09.

² Saint Regis Mohawk Tribal Traffic Law TCR 2000-109.

³ Saint Regis Mohawk Tribal Traffic Law TCR To Amend TCR 2018-09.

Furthermore, Defendant also contends that the safety features of his car did not engage. The record clearly indicates that Defendant was operating the vehicle and caused an accident. In regards to the failure of the collision warning system and other safety features to engage, the Court finds that it does not negate from a driver's responsibility to operate their vehicle in a safe manner. Moreover, the Court notes, Defendant's evidence states that the system is "designed to be a supplementary driving aid" and is "not intended to replace the driver's attention" or "the need to apply the brakes."⁷ Furthermore, Defendant's evidence notes that "[t]he collision warning system with brake support cannot help prevent all collisions. Do not rely on this system to replace driver judgment and the need to maintain distance and speed."⁸ Based on the aforementioned, the Court holds that Defendant caused the accident.

ORDER

Based on the aforementioned, it is hereby **ORDERED, ADJUDGED AND DECREED** that Kanietahare, Defendant, is found in violation of the Saint Regis Mohawk Tribal Traffic Law and is hereby **ORDERED** to pay [REDACTED] for [REDACTED] fees and [REDACTED] fines to the Saint Regis Mohawk Tribal Court.

Signed this 13th day of October 2021.



Micalee Horn, Traffic Judge
Saint Regis Mohawk Tribal Court

No later than ten (10) days after a judgment is final, a party may ask the Judge for a rehearing, reconsideration, correction vacation, or modification of the judgment. The parties have thirty (30) days from the entry of this Order to file an appeal with the Saint Regis Mohawk Court of Appeals.

⁷ Defendant Exhibit #2.

⁸ Defendant Exhibit #2.