

## CHAPTER 11 - MISCELLANEOUS RULES

### 1101. APPLICABILITY OF RULES

#### Rule 1101. APPLICABILITY OF RULES

- a. Courts and judges. These rules apply to the Oneida Nation court, in the actions, cases, and proceedings and to the extent hereinafter set forth. The terms "judge" and "court" in these rules include Oneida Nation judges.
- b. Proceedings generally. These rules apply generally to civil actions and proceedings, to criminal cases and proceedings and to contempt proceedings except those in which the court may act summarily.
- c. Rule of privilege. The rule with respect to privileges applies at all stages of all actions, cases, and proceedings.
- d. Rules inapplicable. The rules (other than with respect to privileges) do not apply in the following situations:
  1. Preliminary questions of fact. The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under rule 104.
  2. Miscellaneous proceedings. Proceedings for extradition or rendition; preliminary examinations in criminal cases; sentencing, or granting or revoking probation; issuance of warrants for arrest, criminal summonses, and search warrants; and proceedings with respect to release on bail or otherwise.