

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
PETITIONER,

v.

Lynn Webster-Acosta,
DEFENDANT

CASE NO: 18-CT-011

DEFAULT JUDGMENT ORDER

This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.

Appearing in person: Lay Advocate Patricia Hoeft and Co-Advocate, Heidi Wennesheimer for the Petitioner: Oneida Nation/Oneida Police Department.

Not appearing in person: Defendant, Lynn Webster-Acosta.

STATEMENT OF THE CASE

A citation was issued to the Defendant on August 13, 2018 alleging an Animal Running At Large under 304.6-4 of the Oneida Code of Laws. The Defendant is not required to appear in court for Animal Running At Large citation.

The Defendant did not appear at the hearing on October 18, 2018 at 9:00 am. The Petitioner requested a default judgment of \$150.00 for citation, \$25.00 in court costs, totaling \$175.00.

FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. On August 13, 2018, Oneida Police Department filed a Citation for violation of O.C. 304.6-4 Animal Running At Large.
3. Notice was given to all those entitled to notice.
4. A hearing was held on October 18, 2018.
5. The citation violation does not require appearance in Court by the Defendant.
6. The Defendant failed to appear, plead, or defend.
7. The Defendant was found to be in default.
8. The Petitioner requested the maximum fine for first offense: Animal Running At Large be ordered in the amount of \$150.00, which was granted.

9. The Court adds court costs of \$25.00 for a total amount due of \$175.00 to be paid to the Oneida Judiciary within sixty days.

PRINCIPLES OF LAW

Rule #1 – LICENSING FEES, FINES AND PENALTIES

1.5. Fines and Penalty Schedule. Violations of the Domestic Animals law may result in the issuance of a citation by a law enforcement or conservation officer. A citation may include any or all the fines/penalties authorized in the Domestic Animals law and/or set forth in this rule; The Fines and Penalty Schedule is incorporated in this rule as an attachment.

Title 8. Judiciary - Chapter 803

ONEIDA JUDICIARY RULES OF CIVIL PROCEDURE

803.29-2. *Defendant.* When a party against whom a judgment for relief is sought has failed to appear, plead or otherwise defend as required in this Law or elsewhere, a default judgment may be granted by the Court upon the receipt of whatever evidence is deemed necessary to establish the claim.

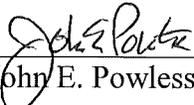
ORDER

The Defendant is found in Default. The Court issues the following Order:

The Defendant is fined \$150.00 plus court costs of \$25.00 for a total of \$175.00 payable to the Oneida Judiciary within 60 (sixty) days from the date this Order is signed.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council an Order was signed on October 22, 2018. Case #18-CT-011.



John E. Powless III, Trial Court Judge