

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,**  
**PETITIONER,**

**v.**  
**Xavier S. Webster,**  
**DEFENDANT**

**CASE NO: 19-CT-007**

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**ORDER**

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This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

*Appearing in person:* Attorney Kelly McAndrews for the Petitioner: Oneida Nation/Oneida Police Department. Defendant, Xavier S. Webster.

**STATEMENT OF THE CASE**

The Defendant was issued citations for harboring a dangerous animal and for failure to comply with ongoing notification requirements.

**FINDING OF FACTS**

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was given to all those entitled to notice.
3. A hearing was held on July 18, 2019 at 9:30 a.m.
4. The Defendant was issued two (2) citations:
  - (1) harboring a dangerous animal, and
  - (2) failure to comply with ongoing notification requirements.
5. The Petitioner moved to make corrections to the code cited on the declaration of dangerousness letter.
6. The letter cited Oneida Domestic Animals law section 304.10-1 or 2. It was corrected to section 304.11.
7. The court accepted the corrections.
8. The Petitioner moved to dismiss the citation for failure to comply with ongoing notification requirements.
9. The Defendant did not object to dismissing it.
10. The Court granted the motion to dismiss the citation for failure to comply with ongoing

notification requirements.

11. The Defendant's German Shephard dog, Maximus, was declared dangerous by Oneida Police Officer, Dylan Wheelock.
12. The Defendant admitted to harboring a dangerous animal.
13. The Defendant's German Shephard dog, Maximus, bit a 5-year old boy, J.S., while he was riding his bike.
14. The dog bite left two red marks with bruising.
15. The child was not on the Defendant's property when bitten.
16. The dog has previously bitten Oneida Police Officer, Christina Bluebird.
17. The dog has previously attempted to bite Oneida Police Officer, Dylan Wheelock.

### **PRINCIPLES OF LAW**

#### Oneida Code of Laws Title 3. Health and Public Safety - Chapter 304 Domestic Animals:

Section 304.11-1. Dangerous Animals. No person shall own, keep, possess, return to or harbor a dangerous animal. An animal shall be presumed to be dangerous if the animal:

- (a) approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack;
- (b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being...

### **ANALYSIS**

The Defendant was cited for harboring a dangerous animal in violation of section 304.11. The Defendant admitted to the charge. The Court accepted the Defendant's admission. Therefore, the Court will order a judgment as described below.

### **ORDER**

A judgment is entered in favor of the Petitioner and against the Defendant in the amount as follows:

Fine:	\$75.00
Court Costs:	<u>\$25.00</u>
<b>Total owed by Defendant:</b>	<b>\$100.00</b>

The Total amount due is payable to the Oneida Judiciary **within 30 (thirty) days** from the date this Order is signed. Failure to pay is subject to the Nation's laws and remedies.

**IT IS FURTHER ORDERED** the Defendant shall surrender the dog, Maximus, to the Fox Valley Humane Society or like facility by **Monday, July 22, 2019 at 10:00 a.m.** The Defendant shall inform the place of surrender the dog has bitten two people and provide proof of surrender to the Petitioner within 5 (five) business days of surrender.

**The parties have the right to appeal within five (5) business days after the date this order or judgement 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 July 19, 2019.