

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
PETITIONER,

v.

CASE NO: 19-CT-012

Kah HTIT Adams,
DEFENDANT

DEFAULT JUDGMENT ORDER

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

Appearing in person: Attorney Carl Artman for the Petitioner: Oneida Nation/Oneida Police Department.

Not appearing in person: Defendant, Kah HTIT Adams.

STATEMENT OF THE CASE

A citation was issued to the Defendant on October 13, 2019 alleging an Animal Running At Large, 3 O.C. 304.6-4. This is the first 3.O.C. 304.6-4 citation issued to the Defendant and appearance in court is not required.

The Defendant did not appear at the hearing on December 19, 2019 at 9:00 am. The Petitioner requested a default judgment of \$75.00 for citation, \$25.00 in court costs, totaling \$100.00.

FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. On October 13, 2019, 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 December 19, 2019.
5. The citation violation does not require appearance in Court by the Defendant.
6. Defendant was found to be in default.
7. Defendant failed to appear, plead, or defend.
8. Petitioner requested maximum fine for first offense: Animal Running At Large be ordered in the amount of \$75.00, which was granted.

9. The Court adds court costs of \$25.00 for a total amount due of \$100.00 to be paid to the Oneida Judiciary within thirty 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:

1. The Defendant is fined \$75.00 plus court costs of \$25.00 for a total of \$100.00 payable to the Oneida Judiciary within 30 (thirty) 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 December 19, 2019. Case #19-CT-012.

John E. Powless III, Trial Court Judge