

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
PETITIONER,

v.
Spencer Cornelius,
DEFENDANT

CASE NO: 20-CT-002

DEFAULT JUDGMENT

This case has come before the Oneida Trial Court, Honorable Denice Beans presiding.

Appearing telephonically: Attorney Kelly McAndrews for the Petitioner: Oneida Nation/Oneida Police Department.

Non-Appearance: Respondent, Spencer Cornelius.

BACKGROUND

A citation was issued to the Defendant on January 28, 2020 for violating Oneida Code of Laws section 304.7-4, animal running at large. A hearing was scheduled for May 21, 2020 at 9:30 a.m.

FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. The Defendant received proper notice.
3. The Defendant did not appear at the hearing on May 21, 2020.
4. The Defendant was found in default for failure to appear, plead or otherwise defend.

PRINCIPLES OF LAW

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

Section 304.7-4. Running at Large. An owner shall not allow a dog or cat to run at large by being any place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash under the control of a person physically able to control the animal.

Oneida Nation Citation Notice:

If you do nothing, the Court may enter a default judgement which may include, but is not limited to, any fine amount that is due, restitution and/or suspension of any rights, privileges or licensures with the Oneida Nation.

ANALYSIS

The Defendant was cited for a violation of section 304.7-4, dog running at large. The Defendant is not required to appear for such violations, however, failure to do so may result in a default judgment. Here, the Defendant did not appear and/or defend against the citation. Therefore, the Court ordered a default judgment as described below.

ORDER

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

Running at Large – 304.7-4.

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

The Total amount due is payable to the Oneida Judiciary **within 90 (ninety) days** from the date this Order is signed. Failure to pay is subject to the Nation’s laws and remedies.

The parties have the right to appeal within thirty (30) calendar 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 and an Order signed on May 21, 2020.

Denice Beans, Chief Trial Court Judge