
**ONEIDA JUDICIARY
TRIAL COURT**

**Oneida Nation / Oneida Police Department,
PLAINTIFF**

v.

Case No: 20-CT-008

**Scott D. Kosbab, Sr.,
DEFENDANT**

Date: September 21, 2020

ORDER

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

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

Non-Appearance: Defendant, Scott D. Kosbab, Sr.

STATEMENT OF THE CASE

On April 2, 2020, the Defendant was issued citation 304.7-4, *Animal Running At Large*, 3rd offense. A citation hearing was held September 17, 2020 at 9:00 a.m. The Petitioner motioned to amend the violation code at the hearing. The Petitioner additionally requested to amend the citation to 2nd offense since the dog's only previous *Animal Running At Large* citation was on February 22, 2020. The Defendant did not appear at the hearing.

FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. On April 2, 2020, the Oneida Police Department issued a citation for violation of 8 O.C. 304.7-4.
3. A hearing was held September 17, 2020 at 9:00 a.m.
4. The Defendant did not appear at the hearing.
 - a. In accordance with 8 O.C. 807.4-4, *Service by Publication*, the Petitioner met service requirement.
 - b. The Petitioner requested the Court to find the Defendant in default for failure to appear, which was granted.
5. The Petitioner requested to amend the violation code from 304.7-4 to 304.6-4, which was granted.
6. The Petitioner also requested to amend *Animal Running At Large* 3rd offense to 2nd offense.
 - a. Petitioner requested maximum fine for 2nd offense: *Animal Running At Large* be

ordered in the amount of \$150.00, which was granted.

7. 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 (60) days from the date this Order is signed.

ORDER

1. The Court amends the initial violation code, 3 O.C. 304.7-4 to 3 O.C. 304.6-4.
2. The Court orders Defendant to pay **\$175.00** to the Judiciary on or before sixty (60) days from the date of this order.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council this order is signed on September 21, 2020.

John E. Powless III, Trial Court Judge