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**ONEIDA JUDICIARY  
TRIAL COURT**

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

**v.**

**Case No: 20-CT-010**

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

**Date: September 21, 2020**

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**ORDER**

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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 19, 2020, the Defendant was issued citation 304.7-4, *Animal Running At Large*, 3<sup>rd</sup> offense. A citation hearing was held September 17, 2020 at 9:00 a.m. At the hearing, the Petitioner motioned to amend the violation code to reflect 304.6-4. 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 19, 2020, the Oneida Police Department issued a citation for violation of 8 O.C. 304.7-4.
3. A hearing was held on 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. At the hearing, the Petitioner requested to amend the violation code from 304.7-4 to 304.6-4, which was granted.
6. The Petitioner requested the maximum fine for 3<sup>rd</sup> offense: *Animal Running At Large* be ordered in the amount of \$500.00, which was granted.
7. The Court adds court costs of \$25.00 for a total amount due \$525.00 to be paid to the Oneida Judiciary within ninety (90) 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 **\$525.00** to the Judiciary on or before ninety (90) 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 September 21, 2020.

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John E. Powless III, Trial Court Judge