

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
PETITIONER,

v.

CASE NOS: 20-CT-015 and 20-CT-016

Wenona M. Powless,
DEFENDANT.

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, Wenona M. Powless.

BACKGROUND

Two citations were issued to the Defendant on July 9, 2020 for violating Oneida Code of Laws section **304.6-1**. License Required, **304.5-2(d)**. Failure to Comply with Sanitation Standards. A hearing was scheduled for August 20, 2020 at 10:15 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 August 20, 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:

304.5-2. Shelter.

(d) Sanitation Standards. An owner shall meet the minimum standards of sanitation for both indoor and outdoor shelter. Minimum sanitation standards require waste matter from the animal to be removed within twenty-four (24) hours of its deposit.

304.6-1. License Required. An owner shall be required to obtain a license for any dog or cat five (5) months of age or older on an annual basis.

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 **304.6-1. License Required**, and section **304.5-2(d). Failure to Comply with Sanitation Standards**. 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:

304.6-1 Failure to obtain license

Fine:	\$ 25.00
Court Costs:	\$ 25.00

304.5-2(d) Failure to comply with sanitation standards

Fine:	\$ 75.00
Court Costs:	\$ 25.00
Total amount owed by Defendant:	\$150.00

The Total amount due is payable to the Oneida Judiciary **within sixty (60) 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 this Order signed on August 20, 2020.

Denice Beans, Chief Trial Court Judge