

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,**  
**PETITIONERS,**

**CASE NO: 20-CT-025 and 20-CT-026**

**v.**

**DATE: December 4, 2020**

**Lindsey A. Blackowl,**  
**DEFENDANT**

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**DEFAULT JUDGMENT**

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This case has come before the Oneida Trial Court, Honorable Patricia Ninham Hoeft presiding.

*Appearing telephonically:* Attorney Kelly McAndrews, representing the Petitioners.

*Non-appearance:* Defendant, Lindsey A. Blackowl.

**BACKGROUND**

Defendant was issued two citations for violating the Oneida Nation's Domestic Animal Law, section 304.6-4, *Animal Running at Large*. The citations were issued August 19, 2020 and August 29, 2020. A citation pre-hearing was held on November 19, 2020 at 9:30 a.m.

**FINDING OF FACTS**

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was provided to all those entitled to notice.
3. The first issued *Animal Running at Large* citation was issued to Defendant on August 19, 2020.
4. The second issued *Animal Running at Large* citation was issued to Defendant on August 29, 2020.
5. Defendant was not required to appear.
6. Defendant did not appear at the hearing on November 19, 2020.
7. Petitioner requested the Court to find the Defendant in default for each citation for failure to appear, which was granted.
8. Petitioner requested the maximum fine for the 1<sup>st</sup> offense, *Animal Running at Large*, be ordered in the amount of \$75.00 and court costs of \$25.00, which was granted for a total amount due of \$100.00.

9. Petitioner requested the maximum fine for the 2<sup>nd</sup> offense, *Animal Running at Large*, be ordered in the amount of \$150.00 and court costs of \$25.00, which was granted for a total amount due of \$175.00.

### **PRINCIPLES OF LAW**

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

Section 304.6-4. *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 Code of Laws Title 8. Judiciary – Chapter 807 Citations:

##### 807.6-1. *Citation Pre-Hearing*.

(f) If a defendant does not appear at the pre-hearing or submit written notice that he or she is contesting the citation when there is a non-mandatory appearance, and the defendant has not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the Court may proceed to enter a default judgment.

(1) A default judgment may include any fine amount due, restitution, suspension of any rights, privileges, or licensures, and/or any other penalty authorized by law.

### **ANALYSIS**

Defendant was issued two citations for violating section 304.6-4 for a dog running at large. Defendant is not required to appear for such violations if Defendant enters into a stipulation or pays the fine listed on the citation. Failure to do so may result in a default judgment if Defendant fails to appear in court at the time fixed in the citation or provide written notice to the Court that she is contesting the citation. Here, Defendant did not appear or provide written notice she was contesting the citation. Defendant also did not enter into a stipulation or pay the fine listed on the citation. Therefore, the Court ordered a default judgment as described below.

### **ORDER**

A default judgment is entered in favor of Petitioner against Defendant in the amount of \$275.00 as follows:

#### *Animal Running at Large*, 304.6-4.

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

