

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
Petitioner

CASE NO: 21-CT-001

v.

DATE: March 18, 2021

Lindsey A. Blackowl,
Defendant

ORDER

This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

Appearing telephonically: Attorney Kelly McAndrews for the Petitioner, Oneida Nation/Oneida Police Department. Defendant, Lindsey A. Blackowl.

STATEMENT OF THE CASE

The Defendant was issued a citation for a nuisance animal.

FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was given to all those entitled to notice.
3. A hearing was held on March 18, 2021, at 9:30 a.m.
4. The Defendant was issued a citation for a nuisance animal on January 14, 2021.
5. The Defendant was previously issued two (2) citations for an animal running at large on August 19, 2020 and August 29, 2020.
6. The Defendant admitted to the charge for a nuisance animal.
7. The Petitioner recommended and the Court accepted a reduction of the fine to \$25.00 and \$25.00 for court costs.

PRINCIPLES OF LAW

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

304.6-5. Nuisance. An Oneida Police Officer or Oneida Conservation Warden may pick up and impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a nuisance if the actions of the dog or cat:

(a) resulted in two (2) or more verified disturbances due to excessive barking and/or other noise by the animal, or the animal running at large; and/or

(b) resulted in one (1) or more verified disturbance due to threatening behavior by the animal running at large.

ANALYSIS

The Defendant was cited for a nuisance animal in violation of section 304.6-5. In order to be considered a nuisance animal, section 304.6-5 requires two (2) or more verified disturbances due to excessive barking and/or other noise by the animal, or the animal running at large. Here, the Defendant has been issued two (2) citations for the same animal running at large. Therefore, the issuance of a citation for a nuisance animal is appropriate. During the hearing, the Defendant admitted to the charge. The Court accepted the Defendant's admission. Therefore, the Court will order a judgment as described below.

ORDER

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

Fine:	\$25.00
Court Costs:	<u>\$25.00</u>
Total owed by Defendant:	\$50.00

The Total amount due is payable to the Oneida Judiciary **within 30 (thirty) days** from the date this Order is signed. Failure to pay is subject to the Nation's laws and remedies.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council an Order was signed on March 18, 2021.

Layatalati Hill, Chief Trial Court Judge