

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

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**TRIAL COURT**

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

**CASE NO: 21-CT-010**

**v.**

**Marcella M. John,**  
**DEFENDANT**

**Date: October 21, 2021**

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**DEFAULT JUDGMENT**

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

Appearing telephonically: Attorney Kelly McAndrews, representing the Petitioners.

Not appearing: Defendant, Marcella M. John.

**BACKGROUND**

A citation was issued to the Defendant on September 17, 2021, for violating Oneida Code of Laws section 304.6-4, Animal Running at Large. A hearing was held on October 21, 2021 at 9:00 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 was issued a citation on September 17, 2021, for an Animal Running at Large.
4. The Defendant was not required to appear.
5. The Defendant did not appear at the hearing on October 21, 2021.
6. The Defendant was found in default for failure to appear.
7. The Petitioner presented clear and convincing evidence the Defendant's animal, a Rottweiler named Boss, was running at large.

**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**

The Defendant was cited for a violation of section 304.6-4 for a dog running at large. 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 or provide written notice she was contesting the citation. The 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 the Petitioner and against the Defendant in the amount as follows:

**Animal Running at Large – 304.6-4.**

Fine:	\$150.00
Court Costs:	<u>\$25.00</u>
<b>Amount owed by Defendant:</b>	<b>\$175.00</b>

The total amount due is payable to the Oneida Judiciary **within 120 calendar 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 in accordance with the Nation's laws.**

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council this Order is signed on October 21, 2021.

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Layatalati Hill, Chief Trial Court Judge