

**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-042**

**v.**

**Wendy D. Haack,**  
**Defendant**

**Date: January 21, 2022**

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**JUDGMENT**

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

Appearing in person: Attorney Kelly McAndrews, representing the Petitioners; Defendant, Wendy D. Haack.

**BACKGROUND**

A citation was issued to the Defendant on October 04, 2021, for violating Oneida Code of Laws section 304.6-4, Animal Running at Large, 1<sup>st</sup> offense. A hearing was held on January 20, 2022 at 9:30 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 October 04, 2021, for Animal Running at Large, 1<sup>st</sup> offense.
4. The Defendant pled No Contest.
5. The Petitioner presented clear and convincing evidence the Defendant's animal was running at large.
6. The Court found Defendant guilty.
7. After the citation was issued, the Defendant installed a six-foot high fence around her backyard to help keep the dog from getting loose.
8. The Court reduced the fine from \$150.00 to \$100.00.
9. The Defendant was given 30 days to satisfy the fine plus \$25.00 court costs for a total of \$125.00.

## 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.

### ANALYSIS

The Defendant was cited for a violation of section 304.6-4 for a dog running at large. The Defendant appeared and pled No Contest. The Court accepted the Defendant's No Contest plea and found the Defendant guilty. Because this is Defendant's first citation for an animal running at large for a dog she owned for a short time and implemented corrective action by installing a six-foot fence around her backyard, the Court accepted Petitioner's recommendation to reduce the fine to \$100.00. Therefore, the Court ordered a judgment as described below.

### ORDER

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

1. 1<sup>st</sup> offense, Animal Running at Large – 304.6-4.

Fine:	<b>\$100.00</b>
Court Costs:	<b><u>\$25.00</u></b>
Amount owed by Defendant:	<b>\$125.00</b>

2. The total amount due is payable to the Oneida Judiciary **within 120 calendar days** from the date this Order is signed.
3. Failure to pay is subject to the Nation's laws and remedies.

**The parties have the right to appeal within 30 calendar days 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 January 21, 2022.

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Layatalati Hill, Chief Trial Court Judge