

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
PLAINTIFFS**

v.

CASE NO: 22-CT-010

**Samantha J. Leroy,
DEFENDANT**

DATE: May 19, 2022

JUDGMENT AND SATISFACTION

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

Appearing in-person: Attorney Kelly McAndrews, representing Plaintiffs; and Samantha J. Leroy, Defendant.

BACKGROUND

Defendant was issued a citation on March 28, 2022 for a violation under the Oneida Code of Laws, Chapter 304, Domestic Animals. At a pretrial citation hearing on May 19, 2022, Defendant entered a plea of no contest to the violation.

FINDINGS

The Court finds as follows:

1. The Court has subject matter, personal, and territorial jurisdiction over this matter.
2. A pre-trial hearing was held on May 19, 2022, at 9:00 a.m.
3. Defendant received proper notice.
4. During the hearing, the Defendant was provided a copy of the Acknowledgement of Rights form and after reading the form, the Defendant responded that she understood her rights and signed it.
5. The Defendant's dog is named Chief and is a Rottweiler-type dog breed.
6. Plaintiff presented clear and convincing evidence the Defendant's dog was running at

large.

7. On March 28, 2022, Defendant was issued a citation for the following violation:
 - a. 304.6-4, *Animal Running at Large*, 1st Offense, \$75.00 fine plus \$25.00 court costs, citation #2022-IR#T22002896.
8. Defendant entered the plea of “No Contest” to the citation.
9. Plaintiffs’ attorney requested the fine be reduced from \$75.00 to \$25.00.
10. After the pre-trial hearing on May 19, 2022, Defendant paid the \$50.00 penalty for the fine and court costs.

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:

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

(d) At the pre-hearing the Court shall accept pleas which either contest or admit committing the act for which the citation was issued, or a plea of no contest.

(1) If the defendant admits committing the act for which the citation was issued the Court shall provide a statement that by admitting that he or she committed the act for which the citation was issued the defendant thereby waives his or her right to contest the citation with the Court. The Court shall obtain an affirmative acknowledgment from the defendant of that waiver of rights.

ANALYSIS

Defendant was cited for violating §304.6-4, *Animal Running at Large, 1st Offense*. The Court accepted Defendant’s plea of no contest and found Defendant guilty. During the hearing, Plaintiffs’ attorney requested the fine be reduced from \$75.00 to \$25.00 because this is Defendant’s first offense. Defendant paid the penalty after the pre-trial hearing. Therefore, the Court ordered judgment and satisfaction as described below:

ORDER

1. A judgment is entered in favor of Plaintiff and against Defendant in the amount as follows:

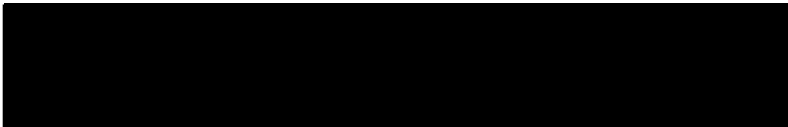
Fine	\$ 25.00
<u>Court Costs</u>	<u>\$ 25.00</u>
Amount owed by Defendant	\$ 50.00

2. The total amount owed by Defendant is satisfied.

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 was signed on May 19, 2022.



Patricia Ninham Hoeft, Trial Court Judge