

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

**Brittney A. Skenandore,
DEFENDANT**

**CASE NO: 22-CT-011
22-CT-024**

DATE: August 19, 2022

DEFAULT JUDGMENT

This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.

Appearing In-person: Attorney Kelly McAndrews, representing the Petitioners.

Non-appearance: Defendant, Brittney A. Skenandore.

BACKGROUND

In accordance with 3 O.C. 304.6-6, Defendant was issued Failure to Comply with an Ordered Quarantine – 1st & 2nd Offense citations. Citation 22-CT-011 is from an incident that occurred on January 8, 2022 and Citation 22-CT-024 stems from an incident that occurred on May 14, 2022. On August 18, 2022, a pre-trial hearing was held.

FINDING OF FACTS

1. The Court has subject matter, personal, and territorial jurisdiction over this matter.
2. All entitled to notice received notice.
3. A pre-trial hearing was held August 18, 2022.
 - a. The Defendant did not appear.
4. The Defendant was issued the following citations:
 - a. Failure to Comply with Ordered Quarantine – 1st Offense.
 - i. This citation does not require a mandatory appearance.
 - b. Failure to Comply with Ordered Quarantine – 2nd Offense.
 - i. This citation does not require a mandatory appearance.
5. The Defendant was found in default for failure to appear.

PRINCIPLES OF LAW

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

304.6-6. *Investigations for Suspected Animal Bites.* The owner shall notify the Oneida Police Department in the event the owner's cat or dog bites a human or another domestic animal.

- (a) The responding Oneida Police Officer or Oneida Conservation Warden shall:
 - (1) Ascertain whether the domestic animal is properly licensed and has current vaccinations.
 - (2) Ensure all information provided is correct.
 - (3) Contact the Environmental, Health, Safety, and Land Division to provide notification of the domestic animal bite.
 - (4) If the cat or dog has current rabies vaccinations, order the owner to:
 - (A) Quarantine the animal for ten (10) days; and
 - (B) Present the animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10th) day.
 - (5) If the cat or dog does not have current rabies vaccination, order the owner to:
 - (A) Quarantine the animal for ten (10) days or deliver the animal to an isolation facility at the owner's expense. If a home quarantine is ordered, the owner shall present the domestic animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10th) day; or
 - (B) Euthanize the animal and send the specimen for analysis at the owner's expense, if the animal has exhibited any signs of rabies.
- (b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine period. Upon expiration of all quarantine periods, if the veterinarian certifies that the animal has not exhibited any signs of rabies, the animal may be released from quarantine.
- (c) If the veterinarian certifies that the animal has exhibited any signs of rabies the following shall occur:
 - (1) If the animal has current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis, to be paid for by the Nation.
 - (2) If the animal does not have current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis at the owner's expense.

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 violating section 304.6-6, which does not require the Defendant to appear. Regardless, failure to appear 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:

Failure to Comply with Ordered Quarantine – 1st Offense – 304.6-6.

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

The total amount due is payable to the Oneida Judiciary within **sixty (60) calendar days** from the date this Order is signed. Failure to pay is subject to the Nation's laws and remedies.

Failure to Comply with Ordered Quarantine – 2nd Offense – 304.6-6.


Fine:	\$500.00
Court Costs:	<u>\$25.00</u>
Total Amount owed by Defendant:	\$525.00

The total amount due is payable to the Oneida Judiciary within **ninety (90) 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 August 19, 2022.



John E. Powless III, Trial Court Judge