

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
Petitioner**

v.

Case No: 22-CT-012
22-CT-013
22-CT-014
22-CT-015
22-CT-016
22-CT-017

Date: August 19, 2022

**Julie A. Cornelius,
Defendant**

ORDER

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

Appearing In-person: Attorney Kelly McAndrews, representing the Petitioners, Defendant, Julie A. Cornelius.

Background

Defendant is the owner of two German Shepherd's "Yeaya" and "Rosie". On April 8, 2022, Defendant was issued the following citations for "Yeaya" and "Rosie", Failure to Obtain a License – 1st Offense, Animal Running At Large – 1st Offense and Nuisance Animal – 1st Offense. The violations stem from an incident that occurred on March 23, 2022. Appearance is not required for any of the citations. On August 18, 2022, a pre-trial hearing was held, at the hearing, the parties filed a Stipulation and Agreement for the Court's consideration.

Findings of Fact

The Court finds as follows:

1. The Court has subject matter, territorial, and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. On May 19, 2022, the Oneida Police Department issued the following citations pursuant to the Domestic Animal Law, Chapter 304:
 - a. 22-CT-012 and 22-CT-013; violation of 3 O.C. 304.6-1, Failure to Obtain a License.
 - b. 22-CT-014 and 22-CT-015; violation of 3 O.C. 304.6-4, Animal Running At Large.
 - c. 22-CT-016 and 22-CT-017; violation of 3 O.C. 304.6-5, Nuisance Animal.
4. On August 18, 2022, a pre-trial hearing was held.

5. At the pre-trial hearing, Defendant acknowledged her rights.
6. Defendant is the owner of “Yeaya” and “Rosie”.
7. At the pre-trial hearing, the Court corrected the violation number associated to Nuisance Animal.
8. At the pre-trial hearing, the parties proposed the following Stipulation and Agreement for the Court’s consideration:
 - a. 22-CT-012: Parties agree to dismiss citation.
 - b. 22-CT-013: Parties agree to dismiss citation.
 - c. 22-CT-014: Parties agree to dismiss citation.
 - d. 22-CT-015: Parties agree to dismiss citation.
 - e. 22-CT-016: Defendant ADMITS to citation; \$75.00 fine and \$25.00 court costs.
 - f. 22-CT-017: Defendant ADMITS to citation; \$25.00 court costs and agrees to re-home or surrender “Yeaya” within thirty (30) calendar days from the date of this order.
 - If Defendant is unable to re-home or surrender, the total fine of \$100.00 will go back into effect.
9. The Stipulation and Agreement is reasonable.

Analysis

The parties’ Stipulation and Agreement dismisses 22-CT-012, 22-CT-013, 22-CT-014, 22-CT-015. The Defendant also admits to citations 22-CT-016 and 22-CT-017, additionally, Defendant is agreeable to either re-homing or surrendering “Yeaya” within an identified timeframe. In the event the Defendant is unable to successfully re-home or surrender “Yeaya”, the amended fine will revert to the total amount of \$100.00.

Order

1. The Court grants the parties’ Stipulation and Agreement.
2. 22-CT-012, 22-CT-013, 22-CT-014, 22-CT-015 shall be dismissed.
3. 22-CT-016: Defendant shall pay a \$75.00 fine and \$25.00 court costs on or before forty-five (45) calendar days from the date this order is signed.
4. 22-CT-017: Defendant shall pay \$25.00 in court costs on or before forty-five (45) calendar days from the date this order is signed.
 - a. Defendant will re-home or surrender “Yeaya” within thirty (30) calendar days from the date this order is signed.
 - b. Regardless, Defendant shall provide an update to the Court regarding the re-homing or surrendering of “Yeaya”.

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 August 19, 2022.


John E. Powless III, Trial Court Judge