
TRIAL COURT

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

v.

Case No: 21-CT-048

Date: March 22, 2022

**Kimberly R. Batiste,
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.

Phone-appearance: Defendant, Kimberly R. Batiste.

Background

On December 7, 2021, Defendant was issued a citation for Possessing a Dangerous Animal – 2nd Offense, pursuant to 3 O.C. 304.10-1 and a Declaration of Dangerousness. The citation *does not* require Defendant to appear. On March 17, 2022, a pre-trial hearing was held at which time the Defendant provided additional information to the citation and as a result, 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 and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. On November 12, 2021, the Oneida Police Department cited Defendant with Possessing a Dangerous Animal citation - 2nd Offense in accordance with 3 O.C. 304.10-1 and a Declaration of Dangerousness pursuant to 3 O.C. 304.10-2.
4. On March 17, 2022, a pre-trial hearing was held.
 - a. Defendant acknowledged her rights at the hearing.
5. The parties stipulated to the following agreement at the pre-trial hearing:
 - a. Amend Possessing a Dangerous Animal citation – 2nd Offense, 304.10-1 to Failure to Comply with ordered Quarantine – 2nd Offense, 304.6-6, as a result:
 - i. Defendant agreed to a no-contest plea to the amended citation.
 - ii. To reduce the total citation fine of \$525.00 to \$25.00 court costs.
 - \$25.00 court costs shall be paid within sixty (60) days from the date of this order.
 - Defendant shall also ensure Jada will receive rabies vaccination and submit proof to the Court within sixty (60) days from the date

of this order.

b. Dismiss the Declaration of Dangerousness.

6. The Defendant agrees to the fine and/or forfeiture constitutes debt owed to a tribal entity and non-payment is subject to Tribal remedy.
7. The Court agrees to the parties' Stipulation and Agreement.

Analysis


The parties' Stipulation and Agreement amends Possessing a Dangerous Animal – 2nd Offense to Failure to Comply with ordered Quarantine – 2nd Offense. The total fee for 2nd Offense is \$525.00. This proposed agreement amends the \$525.00 fine to \$25.00 court costs and Defendant's dog, Jada, will receive rabies vaccination within sixty (60) days.

Order

1. The Court accepts Defendant's no contest plea to Failure to Comply with ordered Quarantine -2nd Offense and dismisses declaration of dangerousness.
 - a. Failure to Comply with ordered Quarantine - 2nd Offense: \$525.00 total fine reduced to \$25.00 court costs.
2. This Stipulation and Agreement is approved, and an ORDER AND FINAL JUDGMENT is entered by this Court requiring any fine and/or forfeiture be paid in accord with the above terms. Failure to pay in accord with the above terms is subject to Tribal Law and remedy.

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 March 22, 2022.


John E. Powless III
Trial Court Judge