

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
Petitioner

v.

Case No: 22-CT-023

Chantelle N. Kuchta,
Defendant

Date: December 7, 2022

FINAL ORDER AND JUDGMENT

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

BACKGROUND

Defendant was issued a citation for Possessing a Dangerous Animal-1st Offense, for violating Oneida Code of Laws section 304.10-1 for an incident that occurred on May 11, 2022. On October 20, 2022, a pre-trial hearing was held at which time the parties entered a verbal stipulation on the record for the Court's consideration. The Court approved the stipulation. Defendant was required to file proof Defendant's dog was euthanized on or before December 7, 2022 and pay court costs of \$25.00 on or before December 28, 2022. Proof Defendant's dog was euthanized was filed with the Court on November 29, 2022.

FINDING OF FACTS

The Court finds as follows:

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. All entitled to notice received notice.
3. At the pre-trial hearing, the Defendant acknowledged her rights.
4. The Oneida Police Department cited Defendant with a citation, Possessing a Dangerous Animal-1st Offense, for violating Oneida Code of Laws section 304.10-1 for an incident that occurred on May 11, 2022.
5. Defendant's dog is a German Shepherd named Zeno.

6. Defendant's dog, Zeno, bit a child on the arm.
7. Defendant had the dog euthanized.
8. During the pre-trial hearing, the parties verbally entered a stipulation.
9. The Court approved the parties' stipulation.
10. Defendant complied with the requirement to provide proof Zeno was euthanized.

PRINCIPLES OF LAW

Oneida Code of Laws Title 3. Health and Public Safety - Chapter 309 Public Peace:

304.10-1. Dangerous Animals. No person shall own, keep, possess, return to or harbor a dangerous animal. An animal shall be presumed to be dangerous if the animal:

- (a) approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack;
- (b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal;
- (c) is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or
- (d) has been declared to be a dangerous animal and/or ordered to be destroyed in any other jurisdiction.

ANALYSIS

The Defendant was cited for Possessing a Dangerous Animal, 1st Offense. Defendant did not dispute the dog, Zeno, being declared dangerous. This charge carries a \$500.00 fine as well as \$25.00 in court costs. The Defendant euthanized Zeno. Because of this, Petitioner agreed to waive the fine. The parties' stipulation waives the fine and leaves the court costs of \$25.00 to be paid within thirty (30) days. The Court agreed. However, the Defendant was required to submit proof Zeno was euthanized. Defendant provided proof Zeno was euthanized on November 29, 2022. Therefore, the only remaining requirement for Defendant is to pay the court costs of \$25.00 on or before December 28, 2022. In the event Defendant does not pay the court costs by the due date, or request for more time, this final order and judgment will be vacated, and the stayed fine amount of \$500.00 will be re-imposed and incorporated in a revised final order and judgment.

ORDER

1. The Court accepts and approves the agreement of the parties as described below:
 - a. The fine amount of \$500.00 is waived, pending completion of the stipulation.
 - b. Defendant shall pay the court costs of **\$25.00** on or before **December 28, 2022**. Court costs may be paid at the Oneida Judiciary or by calling the Trial Court Clerk at (920) 469-7200.
 - c. In the event Defendant does not pay the court costs by the due date, or request for more time, this Final Order and Judgment shall be vacated, and the stayed fine amount of \$500.00 shall be re-imposed and incorporated in a revised final order and judgment.

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 December 7, 2022.



Layatalati Hill, Chief Trial Court Judge