

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation/Oneida Police Department,
Petitioner

v.

CASE NO: 22-CT-036

Zeta M. Martinez,
Defendant

Date: December 15, 2022

FINAL ORDER AND JUDGMENT

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

STATEMENT OF THE CASE

The Defendant was issued a citation for an animal running at large, first offense.

FINDING OF FACTS

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Defendant received proper notice.
3. On November 7, 2022 the Oneida Police Department issued a citation to Defendant for violation of 3 O.C. 304.6-4, Animal Running at Large.
4. A pre-trial citation hearing was scheduled for January 19, 2023, at 9:00 a.m.
5. On December 9, 2022, Defendant paid in full the fine and court costs for the citation.
6. Because Defendant paid the fine and court costs before the hearing date, the Court finds Defendant does not wish to dispute the citation.

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. All citations shall include a pre-hearing date with the Court which shall be set at least thirty (30) days after the citation was issued, unless stated otherwise by a law of the Nation.

(b) If an appearance is not mandatory, and a person does not wish to contest the citation, a person may pay the fine and/or penalty as listed on the citation prior to the pre-hearing date.

(1) If the person pays the fine and/or penalty as listed on the citation prior to the pre-hearing date the citation shall be considered satisfied.

Oneida Code of Laws Title 8. Judiciary – Rule #1 Oneida Trial Court Rules:

Section 1.17-1. This section shall govern the procedures for citation hearings.

(b) If a Defendant does not contest the violation and appearance is not mandatory, the Defendant may pay the fine in full before the pre-hearing day and the Court cost/fees will be waived.

ANALYSIS

The Defendant was cited for a violation of section 304.6-4 for a dog running at large. Defendant received the citation on November 7, 2022. A hearing was scheduled for January 19, 2023 at 9:00 a.m. However, before the hearing, Defendant paid the citation fine and court costs in full. Therefore, the Court finds Defendant does not wish to contest the citation and the citation is satisfied in accordance with section 807.6-1(b)(1) of the Citations law. Furthermore, Defendant will be refunded the \$25.00 in court costs because Defendant paid the fine in full before the pretrial hearing date in accordance with Section 1.17-1 of the Oneida Trial Court Rules #1.

ORDER

Judgment is entered in favor of the Petitioner and against the Defendant in the amount as follows:

1. Animal Running at Large – 304.6-4.

Fine:	\$75.00
Court Costs:	<u>\$25.00 (waived)</u>
Amount owed by Defendant:	\$75.00

2. The total amount owed by Defendant has been satisfied.
3. The January 19, 2023 hearing shall be removed from the Court calendar.
4. Defendant shall be refunded court costs of \$25.00.

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 December 15, 2022.

A solid black rectangular redaction box covering the signature of the Chief Trial Court Judge.

Layatalati Hill, Chief Trial Court Judge