

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,**  
**Plaintiffs;**

**v.**

**CASE NO: 22-CT-038**

**Clyde Skenandore,**  
**Defendant.**

**DATE: May 30, 2023**

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**FINAL JUDGMENT AND ORDER**

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This case came before the Oneida Trial Court, Honorable Patricia Ninham Hoeft presiding.

*Appearing in-person:* Attorney Krystal John, representing Plaintiffs; and Clyde Skenandore, Defendant.

**BACKGROUND**

Defendant was issued a citation for violating O.C.L. 304.6-4, Animal Running at Large – 1<sup>st</sup> offense for an incident on December 10, 2022 when his dog was running at large. On February 16, 2023 at a pre-trial citation hearing, the parties entered a verbal stipulation.

**FINDINGS OF FACT**

The Court finds as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant received proper notice.
3. The Oneida Police Department (OPD) issued a citation to Defendant for an incident on December 10, 2022 when Defendant's dog was running at large. The citation was a 1<sup>st</sup> offense and is a fine of \$75.00 plus \$25.00 court costs.
4. On February 16, 2023, a pre-trial citation hearing was held where the following took place:
  - a. Defendant appeared without legal representation.
  - b. Defendant acknowledged he received a copy of the Acknowledgement of Rights form and understands his rights.
  - c. The parties entered a verbal stipulation with the following agreement:
    - i. Defendant admits to the citation.

- ii. The fine will be reduced from \$75.00 to \$50.00 to be paid within 90 days after the date this order is signed.
- d. The Court approved the verbal stipulation and agreement.
- 5. Defendant is required to pay \$25.00 court costs within 90 days after this order is signed.

## **PRINCIPLES OF LAW**

### **Oneida Code of Laws Title 3. Health and Public Safety Chapter 304 – Domestic Animals**

**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.

- (a) A stray dog or cat running at large may be referred to the Oneida Police Department or Oneida Conservation Department.
- (b) When an Oneida Police Officer or Oneida Conservation Warden finds a dog or cat running at large, the officer and/or warden shall, if possible, pick up and impound such animal.
- (c) Whenever any impounded animal bears an identification mark, such as a collar with identification tags or license tag, the owner shall be notified as soon as reasonably possible.

### **Oneida Code of Laws Title 8. Judiciary Chapter 807 – Citations**

#### **807.5. Stipulations**

**807.5-1. *Authority for Stipulations and Case Settlement.*** An authorized attorney of the Nation is granted the discretion to seek the settlement of a citation.

- (a) When seeking to enter into a stipulation the authorized attorney shall explain to the defendant all provisions included in the stipulation as required by section 807.5-2(a)-(d).

**807.5-2. *Form of Stipulation.*** Any stipulation between an authorized attorney and the defendant shall be in writing and signed. The stipulation shall include the following:

- (a) A summary of the citation violation information included on the citation;
- (b) The details of the stipulation including any fine, penalty, condition, or payment plan the defendant shall comply with;
- (c) A statement that by entering into the stipulation the defendant is admitting that he or she committed the act for which the citation was issued or is entering a plea of no contest and thereby waives his or her right to contest the citation with the Court; and
- (d) A statement that all parties signed the agreement free of duress and coercion.

**807.5-3. *Submission of the Stipulation to the Court.*** If the authorized attorney and defendant reach an agreement through the stipulation, the stipulation shall be submitted to the Court for the Court's approval.

- (a) If the Court enters an order approving the stipulation as written, a copy of the order shall be provided to the authorized attorney and defendant.

(b) If the Court does not enter an order approving the stipulation as written or requests clarification, the Court shall schedule the matter for a hearing. The Court shall provide the authorized attorney and defendant notice of the hearing date and written explanation as to why the Court did not approve the stipulation of the parties.

**807.5-4.** If the authorized attorney and defendant do not reach an agreement as to a stipulation, then the parties shall proceed with the citation hearing process.

**807.5-5.** Compliance with a stipulation shall be monitored by the authorized attorney. The authorized attorney may file a motion with the Court to enforce the terms of a stipulation or file a motion for contempt if the defendant is non-compliant with the terms of the stipulation.

### ANALYSIS

Defendant was cited by the Oneida Police Department for violating the Oneida Nation's law on domestic animals when his dog was running at large. Defendant appeared for a pre-trial citation hearing where he agreed to a stipulation offered by the Nation's attorney. In the stipulation, Defendant agreed to admit to the citation and the Nation's attorney agreed to reduce the fine. Because the agreement was reasonable, the Court approved the stipulation.

### FINAL JUDGMENT AND ORDER

1. The Court accepts Defendant's plea of Admit to the citation, O.C.L. 304.6-4 – 1<sup>st</sup> offense, Animal Running at Large and finds Defendant guilty.
2. The stipulation and agreement is approved as incorporated in this order and the final judgment below:

A judgment is entered in favor of Plaintiffs and against Defendant in the amount as follows:

O.C.L. 304.6-4, Animal Running at Large - 1 <sup>st</sup> Offense	
Fine	\$ 50.00
Court Costs	\$ 25.00
<b>Total Amount Paid by Defendant</b>	<b>\$ 75.00</b>

3. Defendant shall pay the fine and courts costs **on or before August 29, 2023.**

**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 May 30, 2023.



Patricia Ninham Hoeft, Trial Court Judge