

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

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,  
Petitioners**

v.

**Case No: 23-CT-003**  
**Date: March 21, 2023**

**Jennifer L. Summers,  
Defendant**

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**FINAL ORDER AND JUDGMENT**

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

Appearing in person: Attorney Kelly McAndrews, representing the Petitioners. Defendant, Jennifer L. Summers.

**BACKGROUND**

Defendant was issued a citation for Possessing a Dangerous Animal-1<sup>st</sup> Offense, for violating Oneida Code of Laws section 304.10-1 for an incident that occurred on November 04, 2022. On March 16, 2023, a pre-trial hearing was held at which time the parties presented a stipulation for the Court's consideration. The Court approved the stipulation. Defendant was required to disclose the location of Defendant's dog, Patron, to Petitioners on or before March 23, 2023. Additionally, Defendant was required to pay the reduced fine amount of \$100.00 and pay court costs of \$25.00 on or before June 14, 2023.

**FINDING OF FACTS**

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. At the pre-trial hearing, the Defendant acknowledged her rights.
4. The Oneida Police Department cited Defendant with a citation, Possessing a Dangerous Animal-1<sup>st</sup> Offense, for violating Oneida Code of Laws section 304.10-1 for an incident that occurred on November 04, 2022.

5. Defendant's dog is an American Bully named Patron.
6. During the pre-trial hearing, the parties presented a stipulation for the Court's consideration.
7. The Court approved the parties' stipulation.

### **PRINCIPLES OF LAW**

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

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.

304.10-2. *Dangerous Animal Determination*. An Oneida Police Officer or Oneida Conservation Warden may determine an animal to be dangerous whenever, upon investigation, the officer finds that the animal meets the definition of dangerous animal provided in section 304.10-1.

- (a) Upon making a determination that an animal is dangerous, the Oneida Police Officer or Oneida Conservation Warden shall issue a written order with an accompanying citation declaring the animal to be dangerous.
- (b) The citation and order shall be personally delivered to the apparent owner or custodian of the dangerous animal.
- (c) Upon receipt of the written order and accompanying citation the owner shall remove the dangerous animal from the Reservation within three (3) business days

### **ANALYSIS**

The Defendant was cited for Possessing a Dangerous Animal, 1<sup>st</sup> Offense. Defendant did not dispute her dog, Patron, being declared dangerous. This charge carries a \$500.00 fine as well as

\$25.00 in court costs. However, as a part of the stipulation, Petitioner agreed to reduce the fine to \$100.00. As a part of the stipulation, Defendant is required to provide to Petitioners the location of the dog, Patron, because the dog must be removed from the exterior boundaries of the Oneida Nation reservation. The Court agreed. In the event Defendant does not provide the location of Patron to Petitioners by March 23, 2023, at 4:00 p.m., or pay the fine and 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 stayed, pending completion of the stipulation.
  - b. Defendant shall provide the location of Patron to Petitioners on or before **March 23, 2023, by 4:00 p.m.**
    - i. In the event Defendant does not provide the location of Patron, 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.
  - c. 23-CT-003: 1<sup>st</sup> offense, Possession of Dangerous Animal – 304.10-1.

<b>Fine:</b>	<b>\$100.00</b>
<b>Court Costs:</b>	<b><u>\$25.00</u></b>
<b>Amount owed by Defendant:</b>	<b>\$125.00</b>

    - i. In the event Defendant does not pay the fine amount and 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.
2. The total amount due is payable to the Oneida Judiciary **on or before June 14, 2023, by 4:00 p.m.** Court costs and fines may be paid at the Oneida Judiciary or by calling the Trial Court Clerk at (920) 469-7200. Failure to pay is subject to the Nation's laws and remedies.

**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 March 21, 2023.

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

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Layatalati Hill, Chief Trial Court Judge