

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

**Case No: 23-CT-008
23-CT-009
Date: March 22, 2023**

**Margaret Cornelius,
Defendant**

FINAL ORDER AND JUDGMENT

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

Appearing in person: Attorney Kelly McAndrews, representing the Petitioners. Defendant, Margaret Cornelius.

BACKGROUND

Defendant was issued a citation for Animal Running at Large-1st Offense, for violating Oneida Code of Laws section 304.6-4 for an incident that occurred on January 06, 2023. 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.

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, Animal Running at Large-1st Offense, for violating Oneida Code of Laws section 304.6-4 for an incident that occurred on January 06, 2023.
5. During the pre-trial hearing, the parties presented a stipulation for the Court's consideration.
6. The Court approved the parties' stipulation.

PRINCIPLES OF LAW

Oneida Code of Laws Title 8. Judiciary - Chapter 803 Oneida Judiciary Rules of Civil Procedure:

803.21-1. Voluntary Dismissal.

(a) By the Plaintiff.

(1) Without a Court Order. The plaintiff may dismiss an action without a Court order by filing:

(A) A notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(B) A stipulation of dismissal signed by all parties who have appeared.

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.

ANALYSIS

The Defendant was cited for Animal Running at Large-1st Offense. This violation carries a fine of \$75.00 and court costs of \$25.00. As a part of the stipulation, the parties agreed to dismiss citation 23-CT-009 for Animal Running at Large, 2nd Offense because Defendant took immediate corrective action to keep her dog, Krusty Bones, from continuing to get loose. The Court agreed and approved the stipulation.

ORDER

1. The Court accepts and approves the agreement of the parties as described below:

a. 23-CT-008: 1st offense, Animal Running at Large – 304.6-4.

Fine:	\$75.00
Court Costs:	<u>\$25.00</u>
Amount owed by Defendant:	\$100.00

2. The total amount due is payable to the Oneida Judiciary **on or before May 23, 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.

3. Case 23-CT-009 is dismissed, with prejudice.

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 22, 2023.



Layatalati Hill, Chief Trial Court Judge