
**ONEIDA JUDICIARY
TRIAL COURT**

**Oneida Nation / Oneida Police Department,
PETITIONER**

v.

**Case No: 23-CT-014
23-CT-015**

**Destiny Prendiville,
DEFENDANT**

Date: May 3, 2023

ORDER

This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.
Appearing In-person: Attorney Kelly McAndrews, representing the Petitioners; Defendant, Destiny Prendiville.

Background

Defendant was issued citations 304.6-4, *Animal Running At large*, 2nd Offense and 304.10-1, *Possessing a Dangerous Animal*, 1st Offense, stemming from an incident that occurred on January 3, 2023. A Citation pre-trial hearing was held on April 20, 2023. At the pre-trial hearing, the parties submitted a stipulation and agreement for the Court's consideration.

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.

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.

304.11-1. Owner Liability. An owner shall be liable for damages caused by his or her domestic animal. (a) First Offense. The owner is liable for the full amount of damages caused by the domestic animal.

Analysis

The Defendant was cited for violating section 304.6-4, *Animal Running at Large*, 2nd Offense and section 304.10-1, *Possessing a Dangerous Animal*, 1st Offense. Animal Running At Large, 2nd Offense carries a fine of \$150.00 and \$25.00 court costs, and Possessing a Dangerous Animal, 1st offense equates to a \$500.00 fine and \$25.00 in court costs. The parties propose to dismiss *Animal Running At Large*, 2nd Offense, and to reduce *Possessing a Dangerous Animal*, 1st Offense fine to \$0 and \$25.00 for court costs. This section of the agreement is contingent upon either party submitting verification that Defendant's dog, "Vinny" has been surrendered to the Humane Society. If verification is not submitted to the Court within twenty (20) days from the date this order is signed, the fine for *Possessing a Dangerous Animal* will revert to the total amount of \$525.00. Last, Defendant agreed to pay for veterinarian bill to Wi-Yan Duta Redhail as a result of "Vinny" attacking her Yellow Labrador Retriever. This proposed Stipulation & Agreement is also contingent upon Petitioner providing verification of the \$1,187.55 veterinarian bill.

Finding of Facts

1. The Court has subject matter and personal jurisdiction over this matter.
2. On January 3, 2023, the Oneida Police Department issued citations to Defendant for violations 304.6-4, *Animal Running At Large*, 2nd Offense and 304.10-1 and *Possessing a Dangerous Animal*, 1st Offense.
3. A pre-trial Citation hearing was held on April 20, 2023.
4. The Defendant acknowledged her rights.
5. At the pre-trial hearing, the parties proposed the following stipulation and agreement to the Court:
 - a. Dismiss *Animal Running At Large*, 2nd Offense violation.

- b. Reduce *Possessing a Dangerous Animal*, 1st Offense fine to \$0 and \$25.00 in court costs.
 - i. On April 21, 2023, Defendant paid \$25.00 court costs.
- c. Either party will submit verification that Defendant's dog "Vinny" has been surrendered to a local Humane Society.
 - i. On April 25, 2023, Petitioner provided verification "Vinny" was surrendered to a Humane Society.
- d. Petitioner will submit verification of the Veterinarian bill of \$1,187.55.
 - i. On April 21, 2023, Petitioner provided documentation and verification of the veterinarian bill to the Court and Defendant.
 - ii. On April 21, 2023, Defendant paid the veterinarian bill in the amount of \$1,187.55.
- e. Defendant complied with all requirements.

Order

1. The Court accepts and approves the agreement of the parties as described below:
 - a. Dismiss 304.6-4, *Animal Running at Large*, 2nd Offense violation.
 - b. Reduce 304.10-1, *Possessing a Dangerous Animal*, 1st Offense fine to \$0 and \$25.00 in court costs, pending completion of the agreement.
 - c. This agreement is also contingent upon the following:
 - i. Either party will submit verification Defendant's dog "Vinny" has been surrendered to a Humane Society.
 - ii. Verification and restitution of the veterinarian bill, stemming from Defendant's dog "Vinny" attacking the dog of Wi-Yan Duta Redhail.
 - iii. If verification is not provided to the Court within twenty (20) days from this order being signed, *Possessing a Dangerous Animal*, 1st Offense fine will revert to \$500.00 and \$25 court costs, totaling \$525.00.
 - d. In the event Defendant does not comply with this agreement, 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.
 - e. 23-CT-015: *Possession of Dangerous Animal* 1st Offense, 304.10-1.


Fine:	\$0.00
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Court Costs:	<u>\$25.00</u>
Amount owed by Defendant:	<u>\$0.00</u>

2. Defendant complied with all requirements in this agreement, as a result, 23-CT-014 and 23-CT-015 are closed.

The parties have the right to appeal within 30 calendar days in accordance with the Nation's laws.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council this order is signed on May 3, 2023.



John E. Powless III, Trial Court Judge