

**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-023**  
**23-CT-024**

**Felix N. Martinez-Doxtator**  
**DEFENDANT**

**DATE: May 9, 2023**

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**DEFAULT JUDGMENT**

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This case has come before the Oneida Trial Court, Honorable John E. Powless III presiding.

*Appearing In-person:* Attorney Kelly McAndrews, representing the Petitioners.

*Non-appearance:* Defendant, Felix N. Martinez-Doxtator.

**Background**

In accordance with 3 O.C. 304.6, Defendant was issued *Animal Running at Large*, 1<sup>st</sup> Offense and *Nuisance Animal*, 1<sup>st</sup> Offense violations. These violations do not require the Defendant to appear. These citations are the result of an incident that occurred on January 20, 2023. On April 20, 2023, a pre-trial hearing was held.

**Principles of Law**

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

304.6. Dogs and Cats

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.

304.6-5. *Nuisance Animal*. An Oneida Police Officer or Oneida Conservation Warden may pick up and impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a nuisance if the actions of the dog or cat:

- (a) resulted in two (2) or more verified disturbances due to excessive barking and/or other noise by the animal, or the animal running at large; and/or
- (b) resulted in one (1) or more verified disturbance due to threatening behavior by the animal running at large.

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

807.6-1. *Citation Pre-Hearing*.

(f) If a defendant does not appear at the pre-hearing or submit written notice that he or she is contesting the citation when there is a non-mandatory appearance, and the defendant has not entered into a stipulation or paid the fine and/or penalty as listed on the citation, the Court may proceed to enter a default judgment.

(1) A default judgment may include any fine amount due, restitution, suspension of any rights, privileges, or licensures, and/or any other penalty authorized by law.

**Analysis**

The Defendant was cited for violations that occurred in section 304.6, as a result, the violations do not require the Defendant to appear. Regardless, failure to appear may result in a default judgment. Here, the Defendant did not appear or provide written notice he was contesting the citation. The Defendant also did not enter into a stipulation or pay the fine listed on the citation. Therefore, the Court ordered a default judgment as described below.

**Finding of Facts**

1. The Court has subject matter and personal jurisdiction over this matter.
2. The Defendant received proper notice of this hearing.
3. A pre-trial hearing was held April 20, 2023.
  - a. The Defendant did not appear.
4. The Defendant was issued the following citation for an incident that occurred on January 20, 2023:
  - a. *Animal Running at Large*, 1<sup>st</sup> Offense.
    - i. This violation does not require Defendant to appear.

b. *Nuisance Animal*, 1<sup>st</sup> Offense.

i. This violation does not require Defendant to appear.

The Defendant was found in default for failure to appear.

**Order**

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

**23-CT-024; *Animal Running at Large* – 1<sup>st</sup> Offense – 304.6-4.**

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

**23-CT-023; *Nuisance Animal* – 1<sup>st</sup> Offense – 304.6-5.**

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


**Total Amount owed by Defendant \$200.00**

The total amount due is payable to the Oneida Judiciary **within 60 calendar days** from the date this Order is signed. Failure to pay is subject to the Nation's laws and remedies.

**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 May 9, 2023.

  
John E. Powless III, Trial Court Judge