

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Oneida Nation / Oneida Police Department,
PETITIONER

v.

Case No: 23-CT-027

Kevin B. Funmaker,
DEFENDANT

Date: April 20, 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.

Non-appearance: Defendant, Kevin B. Funmaker.

STATEMENT OF THE CASE

On February 4, 2023, Defendant was issued citation 304.6-4, *Animal Running At large*, 1st Offense, stemming from an incident that occurred on the same day. A Citation pre-trial hearing was held on April 20, 2023. On April 18, 2023, Defendant submitted a receipt of payment for \$75.00, Animal Running At Large, 1st Offense fine to the Court.

PRINCIPLES OF LAW

Judiciary Law Rule No. 1 – Oneida Trial Court Rules

1.17 Citation Hearings

1.17-1(b) If a Defendant does not contest the violation and appearance is not mandatory, the Defendant may pay the fine in full before the pre-hearing day and the Court cost/fees will be waived.

ANALYSIS

The Oneida Trial Court Rule No. 1 – 1.17 Citation Hearings allows for court costs to be waived when the Defendant does not contest the violation, appearance is not mandatory, and Defendant pays the fine in full prior to the scheduled pre-trial hearing. Here, the Defendant did not contest citation 304.6-4, *Animal Running At Large*, 1st Offense, nor is Defendant's appearance required,

and Defendant submitted a receipt of payment of \$75.00 for citation fine to the Court on April 18, 2023. As a result, court costs may be waived.

FINDING OF FACTS

1. The Court has subject matter and personal jurisdiction over this matter.
2. On February 4, 2023, the Oneida Police Department issued a citation to Defendant for violation of 304.6-4, *Animal Running At Large*, 1st Offense.
3. A pre-trial Citation hearing was held on April 20, 2023.
4. The Defendant did not appear at the hearing.
 - a. In accordance with 8 O.C. 807.4-4, *Personal Service*, Petitioner met service requirement.
 - b. The Petitioner requested the Court to find the Defendant in default for failure to appear, which was granted.
5. On April 18, 2023, Defendant submitted a receipt of payment for \$75.00 *Animal Running At Large*, 1st Offense citation fine.
 - a. As a result, due to the Defendant not contesting the citation, not required to appear, and paying the fine in full prior to the scheduled hearing, \$25.00 court costs are waived.

ORDER

1. The citation fine of \$75.00 is satisfied in whole for citation 23-CT-027.
2. The Defendant fulfilled all requirements, and this case is closed.

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 April 20, 2023.



John E. Powless III, Trial Court Judge