

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
Plaintiffs**

v.

Case No: 23-CT-068
Date: November 8, 2023

**Kimberly R. Batiste,
Defendant**

FINAL ORDER

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

Appearing In-person: Plaintiffs' attorney, Kelly McAndrews; Defendant, Kimberly R. Batiste.

Background

In accordance with 3 O.C. 304.10-1, Defendant was issued a citation for Possessing a Dangerous Animal, 2nd Offense. The alleged violation relates to an incident that occurred on June 16, 2023. A pre-trial citation hearing was held September 21, 2023, at that time, Defendant contested the alleged violation, resulting in the Court ordering a Trial on November 7, 2023. At Trial, the parties proposed a stipulation and agreement for the Court to consider.

Principle of Law

Title 3. Oneida Judiciary – Chapter 304: Domestic Animals

304.10. Dangerous 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.

Analysis

At Trial, the parties stipulated to an agreement and proposed it to the Court for consideration. The parties agreed to amend the citation to Possessing a Dangerous Animal, 1st Offense, as a result, the corresponding fine for a 1st Offense violation is \$500.00. The parties agreed to reduce the fine to \$300.00 plus \$25.00 in court costs, on the conditions that Defendant admitted to the

violation and surrendered Defendant's dog "Jada." The parties also agreed to hold open the opportunity for the dog owners of "Lady" to seek restitution, if requested, and lastly, proposed four (4) to six (6) months for Defendant to pay the fine and court costs to the Oneida Judiciary. The Court approved and granted the parties proposed stipulated agreement.

Finding of Facts

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant was issued a citation for Possessing a Dangerous Animal, 2nd Offense and received proper notice of this hearing.
3. Defendant acknowledged her rights.
4. At Trial, the parties stipulated and proposed the following agreement:
 - a. Parties agreed to amend the citation to Possessing a Dangerous Animal, 1st Offense.
 - b. Defendant Admitted to Possessing a Dangerous Animal, 1st Offense.
 - i. As a result, the citation fine for 1st Offense is \$500.00.
 - ii. Parties further agreed to reduce the citation fine to \$300.00.
 - iii. Parties also acknowledged \$25.00 in court costs, the total for citation fine and court costs is \$325.00.
 - iv. Parties agreed Defendant will pay the total amount of \$325.00 within six (6) months from this signed court order.
 - c. Parties further agreed to hold open the opportunity for the dog owners of "Lady" to seek restitution, if requested.

Order

The Court enters the following order:


1. The Court accepts Defendant's ADMISSION and is therefore GUILTY of Possessing a Dangerous Animal, 1st Offense.
2. Defendant shall pay the following fine and court costs to the Oneida Judiciary on or before **May 8, 2024**:

23-CT-068, Possessing a Dangerous Animal, 1st Offense, 3 O.C. 304.10-1.

Fine:	\$300.00
Court costs:	\$25.00
Total amount owed by Defendant	\$325.00

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 November 8, 2023.



John E. Powless III, Trial Court Judge