

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

**Katrina Paprocki,
Defendant**

Case No: 24-CT-009

Date: April 18, 2024

DEFAULT JUDGMENT

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

Appearing In-person: Plaintiffs' Attorney, Krystal John

Non-Appearance: Defendant, Katrina Paprocki

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 February 11, 2024. A citation pre-trial hearing was held on April 18, 2024.

Analysis

In accordance with 3 O.C. 304.6-4, a person may receive a citation for an Animal Running at Large when a dog is running at large at any place except upon the premises of the owner, unless the dog is crated, penned, or on a leash under the control of a person physically able to control the animal.

Here, Plaintiffs allege Defendant violated 304.6-4, Animal Running at Large. The Oneida Police Report states on February 11, 2024, the Oneida Police Department Officer Seth Kuhn, while on patrol, was dispatched to Defendant's address for a complaint of dogs running at large. Upon arrival Officer Kuhn made phone contact with the complainant, Donald Vandeville. Mr. Vandeville reported that earlier this morning the dogs were outside his bedroom window and woke up his wife. Mr. Vandeville believed the dogs to be from Defendant's home. Officer Kuhn made phone contact with Defendant. Defendant stated that earlier this morning she let the dogs

out to use the bathroom and they had gotten off the chain. As a result, Defendant was properly issued a citation for an Animal Running at Large because her dog was running at large at a place other than the premises of Defendant and the dog was not crated, penned, or on a leash under the control of a person physically able to control the animal.

The Defendant was cited for violating the Nation's Domestic Animals law. Failure to appear may result in a default judgment. Here, the Defendant did not appear or provide written notice she 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. Defendant received proper notice of this hearing.
3. Defendant owns two dogs, described as a black Labrador and a black hound dog.
4. Defendant's dogs were running at large on the property of Donald Vandeville.
5. Defendant was properly issued a citation for violating 304.6-4, Animal Running at Large, 1st offense.
6. A citation pre-trial hearing was held April 18, 2024.
 - a. The Defendant did not appear.
7. The Defendant was found in default for failure to appear.

Principles of Law

Title 3. Oneida Judiciary – 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.

Title 8. Oneida Judiciary – Chapter 807: Citations

807.6 Hearing Procedure

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.

Order

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

24-CT-009; Animal Running at Large, 1st Offense – 304.6-4.

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

The total amount due is payable to the Oneida Judiciary **within ninety (30) 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 was signed on April 18, 2024.


Layatalati Hill, Chief Trial Court Judge