

**ONEIDA JUDICIARY**  
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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,  
Plaintiff**

**v.**

**Joshua J. Bailey,  
Defendant**

**Case No: 24-CT-012**

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**ORDER**

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

*Appearing In-person:* Plaintiffs' Attorney, Krystal L. John; and Defendant, Joshua J. Bailey.

**Background**

In accordance with 3 O.C. 304.6-4, Defendant was issued *Animal Running at Large*, 1<sup>st</sup> Offense citation for a dog named "Gunner". This violation does not require Defendant to appear. The alleged violation is the result of incident that occurred on March 28, 2024. On June 20, 2024, a pre-trial hearing was held.

**Principles of Law**

**3 O.C. 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.

**Analysis**

Pursuant to 3 O.C. 304.6-4, a dog owner can receive a citation if their dog runs at large, outside the owner's premise. At the Citation pre-trial hearing, Defendant admitted his dog, "Gunner"

violated *Running at Large*, 1<sup>st</sup> Offense. As a result, Defendant can be ordered to pay the applicable citation fine and court costs.

**Finding of Facts**

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant was issued *Animal Running at Large*, 1<sup>st</sup> Offense citation and received proper notice of this hearing.
  - a. This violation does not require Defendant to appear.
3. Defendant did not object that he is not the owner of "Gunner".
4. Defendant acknowledged his rights.
5. Defendant Admits to *Running at Large*, 1<sup>st</sup> Offense, as a result, he is responsible for \$75.00 citation fine and \$25.00 court costs.
6. The Defendant agrees to the fine and/or forfeiture constitutes a debt owed to a tribal entity and non-payment is subject to Tribal remedy.

**Order**


1. The Defendant's plea of Admit to *Running At Large*, 1<sup>st</sup> Offense, is accepted by the Court.
2. The following fine and courts costs are ordered for citation 24-CT-012.

<b>Running At Large – 1<sup>st</sup> Offense</b>	<b>304.6-4</b>
Citation Fine:	\$75.00
Court Costs:	\$25.00
<b>Total amount owed by Defendant</b>	<b>\$100.00</b>

3. The total amount owed by Defendant shall be paid to the Oneida Judiciary within thirty (30) days from this court order.
4. Failure to pay this debt is subject to Tribal remedies.

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 June 20, 2024.

  
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John E. Powless III, Trial Court Judge