

**ONEIDA JUDICIARY**  
**Tsi nu téshakotiya?tolétha?**

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**TRIAL COURT**

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**Oneida Nation / Oneida Police Department,**  
**PLAINTIFFS,**  
**v.**  
**Ezra Coleman**  
**DEFENDANT**

**CASE NO: 24-CT-025**

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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 Krystal L. John, representing the Plaintiffs.

*Non-appearance:* Defendant, Ezra Coleman.

**Background**

In accordance with 3 O.C. 304.6-4, Defendant was issued Animal Running At Large, 1<sup>st</sup> Offense violation. For this violation, Defendant's appearance is not required. This citation is the result of an incident that occurred on June 6, 2024. On September 19, 2024, a pre-trial hearing was held.

**Principles of Law**

**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.

**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 is alleged to have violated section 304.6-4 that does not require his appearance. Regardless, failure to appear may result in a default judgment. Here, the Defendant did not appear or provide written notice that he is contesting the citation. The Defendant also did not enter 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. The Defendant did not provide written notice to the Court that he is contesting the citation, nor enter in a stipulation or pay the citation fine.
4. A pre-trial hearing was held September 19, 2024.
  - a. The Defendant did not appear.
5. The Defendant was issued Animal Running at Large, 1<sup>st</sup> Offense citation for an incident that occurred on June 6, 2024. This violation does not require Defendant's appearance.
6. The Defendant was found in default for failure to appear.

### Order

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

#### **Animal Running At Large – 1<sup>st</sup> Offense – 304.6-4.**

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

The total amount due is payable to the Oneida Judiciary **within 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 is signed on September 25, 2024.



(John) E. Powless III, Trial Court Judge