

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

Case No: 25-CT-016
Date: March 21, 2025

**Cheyenne M. Blackowl,
Defendant.**

DEFAULT JUDGMENT

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

Appearing In-person: Plaintiffs' Attorney, Kelly McAndrews

Non-Appearance: Defendant, Cheyenne M. Blackowl

BACKGROUND

In accordance with the Nation's Public Peace Law, Defendant's dog was determined to be a dangerous animal after being cited for allegedly violating 3 O.C. 304.10-1, Possessing a Dangerous Animal, 1st offense. This citation and dangerous dog determination stems from an alleged incident on February 28, 2025. On March 5, 2025, Defendant appealed the dangerous dog determination to this Court. As a result, a dangerous dog determination hearing was held on March 18, 2025.

ANALYSIS

In accordance with Title 3 O.C. Section 304.10-1, An Oneida Police Officer may determine an animal to be dangerous whenever, upon investigation, the officer finds that the animal meets the definition of dangerous animal provided in section 304.10-1. A person commits the civil infraction of possessing a dangerous animal when he or she owns, keeps, possesses, returns to or harbors a dangerous animal. An animal is presumed to be dangerous if the animal bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal. If the dog's owner contests the dangerous animal determination, the owner must file a written objection to the determination with the Court within three (3) business days after receiving the

determination. An animal may be deemed not dangerous if the animal was acting to (1) defend its owner or another person from an attack by a person or animal, (2) protect its young or another animal, (3) defend itself against any person or animal which has tormented, assaulted or abused it; and/or (4) defend its owner's property against trespassers.

Here, Defendant timely filed a written objection, and a dangerous animal determination hearing was scheduled on March 18, 2025. At the hearing, Defendant failed to appear. Title 8 O.C. Section 803.29-1, requires parties to a case to appear before the Court at any scheduled hearing or proceeding. If a defendant fails to appear, plead or otherwise defend as required in this Law or elsewhere, a default judgment may be granted by the Court upon the receipt of whatever evidence is deemed necessary to establish the claim. (see 803.29-2). Here, Defendant did not appear at a scheduled hearing and failed to plead or otherwise defend herself. As a result, the Court found Defendant in default for failure to appear.

During the hearing, Plaintiffs' attorney motioned the Court to grant a default judgment in favor of Plaintiffs. The Court required Plaintiffs to present evidence necessary to establish their claims.

Here, Plaintiffs allege Defendant violated 304.10-1(b), possessing a dangerous animal that bites, inflicts injury, attacks, or otherwise endangers the safety of a human being. At the hearing, Sergeant Nathan Ness testified the citation had a typo as to the date of the incident. The date on the citation for the incident is listed as February 25, 2025. However, Sergeant Ness testified the correct date of the incident is February 28, 2025. The Court approved the correction. Sergeant Ness further testified that while on duty for the Oneida Police Department on February 28, 2025, he was dispatched to 1320 Onu-U-Sla Way, City of Green Bay, which is within the exterior boundaries of the Oneida Nation Reservation, for a dog bite. Upon arrival, there was no answer at the home, but Sergeant Ness was approached by a minor child, nine (9) year old, M.I.S. DOB 05/18/2015, who informed him that she was bitten by a dog named "Sassy." Sergeant Ness observed a bandage on her hand. She pulled the bandage back and he observed what appeared to be a single puncture wound on her palm. Sergeant Ness was familiar with Sassy, a female Pitbull, from previous encounters and knew the owner to be Cheyenne Blackowl. The minor child told Sergeant Ness that she was bit while she was at the front door and that Cheyenne (Blackowl) tried to restrain Sassy and was bit on the head and possibly the neck. Later that day,

upon completing a Dangerous Dog Determination form, Sergeant Ness returned to the home and testified he made contact with Cheyenne Blackowl. She had a band aid on her neck and told Sergeant Ness she was scratched by Sassy, not bitten.

Additionally, the home located at 1320 Onu-U-Sla Way, City of Green Bay, has had numerous calls, ten (10), within the past year for complaints about animals to the Oneida Police Department, including one of Sassy previously nipping at a person.

Section 304.10-3 allows a person to contest a dangerous animal determination. If the owner wishes to contest the dangerous animal determination, he or she must file with the Trial Court a written objection to the order within three (3) business days of receipt of the order. Here, Defendant complied with the time to file a written objection. However, according to section 304.10-3(a), the written objection must also include specific reasons for objecting to or contesting the order. An owner may argue an animal should not be deemed dangerous due to the animal biting, attacking or menacing any person and/or domestic animal because the animal was acting to:

- (1) defend its owner or another person from an attack by a person or animal;
- (2) protect its young or another animal;
- (3) defend itself against any person or animal which has tormented, assaulted or abused it; and/or
- (4) defend its owner's property against trespassers

Here, however, Defendant's written objection did not include specific reasons for objection to or contesting the dangerous animal determination order. Nor did Defendant appear at the hearing to provide any reasons for objection to such order.

As a result, based on the information and testimony presented at the hearing, the Court finds the dangerous animal determination is substantiated and that the female Pitbull named Sassy must be euthanized.

FINDINGS OF FACT

1. The Court has subject matter and personal jurisdiction over this matter.
2. Defendant received proper notice of this hearing.

3. Defendant did not appear for the hearing held on March 18, 2025.
4. Defendant owns a female Pitbull dog named “Sassy.”
5. Defendant’s dog, Sassy, bit a minor child, M.I.S. DOB 05/18/2015, on her palm causing a puncture wound on February 28, 2025.
6. The home located at 1320 Onu-U-Sla Way, City of Green Bay has had numerous calls, ten (10), within the past year for complaints about animals to the Oneida Police Department, including one of Sassy previously nipping at a person.
7. Sergeant Ness’ determination that Sassy is a dangerous animal is substantiated.
8. Defendant is found in default for failure to appear.
9. The Defendant is found guilty of possessing a dangerous animal.

PRINCIPLES 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.

304.10-2. *Dangerous Animal Determination*. An Oneida Police Officer or Oneida Conservation Warden may determine an animal to be dangerous whenever, upon investigation, the officer finds that the animal meets the definition of dangerous animal provided in section 304.10-1.

- (a) Upon making a determination that an animal is dangerous, the Oneida Police Officer or Oneida Conservation Warden shall issue a written order with an accompanying citation declaring the animal to be dangerous.

(b) The citation and order shall be personally delivered to the apparent owner or custodian of the dangerous animal.

(c) Upon receipt of the written order and accompanying citation the owner shall remove the dangerous animal from the Reservation within three (3) business days.

304.10-3. *Contesting a Dangerous Animal Determination.* If the owner wishes to contest the dangerous animal determination, he or she shall file with the Trial Court a written objection to the order within three (3) business days of receipt of the order.

(a) The written objection shall include specific reasons for objecting to or contesting the order. An owner may argue an animal should not be deemed dangerous due to the animal biting, attacking or menacing any person and/or domestic animal because the animal was acting to:

- (1) defend its owner or another person from an attack by a person or animal;
- (2) protect its young or another animal;
- (3) defend itself against any person or animal which has tormented, assaulted or abused it; and/or
- (4) defend its owner's property against trespassers

304.10-4. *Dangerous Animal Determination Hearing.* A hearing on the dangerous animal determination shall be held within fourteen (14) days of submission of the written objection with the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the animal is dangerous should be substantiated.

(a) If the Trial Court concludes that the determination that the animal is dangerous is substantiated, then the Trial Court shall issue an order that mandates the animal be removed from the Reservation within forty-eight (48) hours of the determination.

- (1) The order shall contain the requirement that the owner notify the Oneida Police Department within twenty-four (24) hours if the dangerous animal has been sold or been given away. If the dangerous animal has been sold or given away, the owner shall also provide the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the Reservation or to a person or entity that falls outside of the jurisdiction of this law, the owner shall present evidence to the Oneida Police Department showing that he or she has notified the police

department or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner. The Oneida Police Department shall forward all such notifications to the Environmental, Health, Safety, and Land Division within a reasonable amount of time.

(b) The Trial Court may order a dangerous animal to be destroyed. If such an order is issued, the Trial Court shall require the owner submit proof of destruction within five (5) business days from a licensed veterinarian. If the owner does not satisfy these requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall seize the animal and enforce compliance at the cost of the owner.

Title 8. Oneida Judiciary – Chapter 803: Rules of Civil Procedure

803.29. Default; Default Judgment

803.29-1. *Appearance Required.* Parties to a case are required to appear before the Court at any scheduled hearing or proceeding.

(a) A party may be excused from appearing with the permission of the Court if the party makes a motion seeking permission prior to the hearing or proceeding and shows good cause as to why the party's appearance is not necessary.

(b) The Court may allow a proceeding to continue without a party's appearance so long as a representative of the party appears or may postpone the hearing until the party will attend or may find the party not in attendance in contempt for failing to appear.

(c) The Court may allow a party to appear by telephone. Requests to appear by telephone shall be in writing and submitted at least seven (7) days before a hearing or proceeding.

803.29-2. *Defendant.* When a party against whom a judgment for relief is sought has failed to appear, plead or otherwise defend as required in this Law or elsewhere, a default judgment may be granted by the Court upon the receipt of whatever evidence is deemed necessary to establish the claim.

ORDER

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

1. **25-CT-016; Possessing a Dangerous Animal, 1st Offense – 304.10-1.**

Fine:	\$500.00
Court Costs:	<u>\$25.00</u>
Total Amount owed by Defendant:	\$525.00

2. Defendant shall euthanize her Pitbull dog named Sassy within forty-eight (48) hours of March 21, 2025, 4:30 p.m.
 - a. Defendant shall file proof of destruction from a licensed veterinarian within five (5) business days of such destruction.
3. If Defendant does not satisfy these requirements, the Oneida Police Department shall seize the animal and enforce compliance at the cost of Defendant. If the Oneida Police Department enforces compliance, it shall file proof and costs with the Court within five (5) business days of destruction.

The total amount due is payable to the Oneida Judiciary **within one-hundred and twenty (120) 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 March 21, 2025.



Layatalati Hill, Chief Trial Court Judge