

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

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

v.

CASE: 25 CT-004

25-CT-005

25-CT-006

25-CT-007

25-CT-008

25-CT-009

DATE: May 19, 2025

**Cheyenne M. Blackowl,
Defendant.**

FINAL JUDGMENT AND DISMISSAL

This case came before the Oneida Trial Court, Honorable Patricia Ninham Hoeft presiding.

BACKGROUND

At the trial on April 30, 2025, Defendant did not appear. As a result, the Court found Defendant in default for failing to appear and granted Plaintiffs' motion for a default judgment to find Defendant guilty for each of the six (6) citations issued against her for alleged violations of the Oneida Code of Laws (O.C.L) Chapter 304, Domestic Animals. On May 1, 2025, the day after the trial, the Court discovered Defendant's written request to postpone the trial in the Court's junk e-mail folder. On May 7, 2025, Plaintiffs filed a motion to dismiss the six (6) citations. Thus, the Court grants Plaintiffs' motion to dismiss.

FINDINGS OF FACT

1. The Court has subject matter and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. Defendant is a pro se litigant who is homeless and resides at a safe park. Defendant did not provide the Court with the current address for the safe park.
4. Defendant formerly resided at 1320 Onu-U-Sla Way, Oneida, WI 54155 when she was

issued six (6) citations for allegedly violating the Oneida Code of Laws (O.C.L) Chapter 304, Domestic Animals.

5. The Oneida Police Department (OPD) officer personally served Defendant with the following six (6) citations stemming from an incident on January 8, 2025:
 - a. Case # 25-CT-004, *Limit on the Number of Dogs and Cats* – 1st offense, O.C.L. 304.6-3, \$25.00 fine plus \$25.00 court costs.
 - b. Case # 25-CT-005, *Limit on the Number of Dogs and Cats* – 1st offense, O.C.L. 304.6-3, \$25.00 fine plus \$25.00 court costs.
 - c. Case # 25-CT-006, *Limit on the Number of Dogs and Cats* – 1st offense, O.C.L. 304.6-3, \$25.00 fine plus \$25.00 court costs.
 - d. Case # 25-CT-007, *Limit on the Number of Dogs and Cats* – 1st offense, O.C.L. 304.6-3, \$25.00 fine plus \$25.00 court costs.
 - e. Case # 25-CT-008, *Running at Large* – 1st offense, O.C.L. 304.6-4, \$75.00 fine plus \$25.00 for court costs
 - f. Case # 25-CT-009, *Running at Large* – 1st offense, O.C.L. 304.6-4, \$75.00 fine plus \$25.00 for court costs.
6. On April 23, 2025, Plaintiffs' attorney satisfied the discovery requirements by filing a list of witnesses along with a copy of the police report along and copies of each of the six (6) citations issued to Defendant.
7. Before the 1:00 p.m. trial on April 30, 2025, at approximately 8:40 a.m., the Court received a phone call from Defendant asking to postpone the trial for "a couple of weeks" to give her additional time to obtain an attorney. The Court informed Defendant her request will be considered if it is filed in writing. Defendant was informed she may file her written request by e-mail to both the Court and the Plaintiffs' attorney.
8. When the trial started at 1:00 p.m. on April 30, 2025, Defendant did not appear.
 - a. The Court did not receive any phone call or e-mail from Defendant after receiving the first call from Defendant prior to the trial.
 - b. The Court found Defendant in default for failing to appear and proceeded with the trial without the Defendant.
 - c. The Court granted Plaintiffs' motion for a default judgment against Defendant, finding Defendant guilty of each of the six (6) citations, and ordered Defendant to pay

the fines and court costs for each citation.

9. On May 1, 2025, the Court discovered Defendant's e-mail requesting postponement of the trial in the Court's junk e-mail folder. Defendant's e-mail was sent at 12:28 p.m. on April 30, 2025. Defendant sent the e-mail to Plaintiffs' attorney at an incorrect e-mail address: kjohn4@gmail.com
10. Defendant wrote in her e-mail she needed additional time to obtain an attorney. Defendant wrote she is homeless with her four (4) daughters, applied for social security and general assistance to help pay her bills, does not have a working telephone because her telephone bill is unpaid, and spent hundreds of dollars from her savings to pay for short-term housing stays at hotels.
11. On May 7, 2025, Plaintiffs' Attorney filed a motion to dismiss the six (6) citations and e-mailed a copy of the motion to Defendant.

PRINCIPLES OF LAW

O.C.L. Title 8. Judiciary – Chapter 807 Citations

807.6-2. Citation Hearing. For all persons entering a plea contesting the fact that he or she committed the act for which a citation was issued, the Court shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the pre-hearing when possible.

O.C.L. Title 8. Judiciary – Chapter 803 Onida Judiciary Rules of Civil Procedure

803.21-1. Voluntary Dismissal.

(b) By Court Order; Effect. Except as required in Rule 803.21-1(a)(1), an action may be dismissed at the plaintiff's request only by Court order, on terms that the Court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (b) is without prejudice.

803.31-1. Entering Judgment.

(b) Filing and Notation. A decision shall be complete and entered for all purposes when it is signed and filed with the clerk for publication, unless the case is nonpublic and/or not subject to

publication in which case it is deemed complete and entered upon being signed by the Judge.

803.33-2. *Grounds for Relief from a Final Judgment, Order, or Proceeding.* On motion and just terms, the Court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (a) Mistake, inadvertence, surprise, or excusable neglect;
- (b) Newly discovered evidence that, with reasonable diligence, could not have been discovered;
- (c) Fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (d) The judgment is void;
- (e) The judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (f) Any other reason that justifies relief.

ANALYSIS

This case requires the Court to modify its oral judgment and replace it with a motion to dismiss that was filed by Plaintiffs. At a trial on April 30, 2025, the Court found Defendant in default for failing to appear and proceeded with the trial without the presence of the Defendant. Prior to finding Defendant in default, the Court stated for the record that Defendant called the Court about four (4) hours prior to the trial to ask the Court to postpone her trial to give her time to obtain an attorney. The Court explained to Defendant she must send her request in writing by e-mail for the request to be considered. When the trial started later that day at 1:00 p.m. and Defendant did not appear nor did the Court receive an e-mail from Defendant requesting the trial be postponed, the Court proceeded without Defendant. At the trial, the Court found Defendant in default for failing to appear and made an oral judgment granting Plaintiffs' motion for a default judgment to find Defendant guilty of the six (6) citations issued against her for violations of the Oneida Code of Laws (O.C.L.) Chapter 304, Domestic Animals. However, the day after making the judgment, the Court discovered in the Court's junk e-mail folder an e-mail from Defendant, sent on April 30, 2025 at 12:28 p.m., requesting postponement of her trial.

When the Court discovers its judgment was based on a mistake, Oneida Rules of Civil Procedure, section 803.33-2, provides grounds for relief from a final judgment, order, or proceeding, to allow the Court to modify its judgment under certain circumstances. Oneida Rules

of Civil Procedure, section 803.31-1, allows a Court to modify its oral judgment until that judgment is written, signed and filed. In this case, the Court was unaware Defendant's written request to postpone her trial landed in the Court's junk e-mail when the Court proceeded with the trial without Defendant's presence. Plaintiffs' Attorney was also unaware Defendant requested a postponement of her trial because Defendant sent the request to an incorrect e-mail address for Plaintiffs' Attorney. The day after the trial was adjourned, on May 1, 2025, and before the Court's oral judgment was written, signed and filed, the Court discovered Defendant's e-mail requesting a postponement. The Court sent a copy of the postponement request to Plaintiffs' Attorney and requested a response. On May 7, 2025, Plaintiffs' attorney filed a written motion to dismiss each of the six (6) citations issued against Defendant, stating that "adequate resolve has been achieved through alternative methods to include lease restrictions removing the Defendant and all dogs from the affected household." Because the Court finds Plaintiffs' terms for dismissal to be proper, the Court grants Plaintiffs' motion to dismiss.

ORDER

Plaintiffs' motion to dismiss each of the six (6) citations in cases 25-CT-004 through 009 is GRANTED.

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to GTC Resolution 01-07-13-B, this order was signed on May 19, 2025.


Patricia Ninham Hoeft, Trial Court Judge