

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: _____

RESOLUTION NO. _____ (2017)

WHEREAS, the Eastern Band of Cherokee Indians has the sovereign authority to exclude persons from lands of the Eastern Band in order to protect the integrity, law and order of those lands and the welfare of the members of the Tribe; and

WHEREAS, the Tribal Council has codified its authority to exclude persons from the lands of the Eastern Band at Chapter 2 of the Cherokee Code; and

WHEREAS, JAMES MICHAEL SCHMIDT is not a member of the Eastern Band of Cherokee Indians and is or has been entering or residing on Tribal lands; and

WHEREAS, JAMES MICHAEL SCHMIDT was temporarily excluded on April 17, 2017 incident to an arrest for violation of Cherokee Criminal Code for the following drug related offenses:

- a. Cherokee Code 14-95.5(a): Possessing a controlled substance classified in Schedule I, specifically for possession of 2 grams of methamphetamine
- b. Cherokee Code 14-95.6(b): Possessing with intent to sell or deliver a controlled substance classified in schedule I, II, III, IV, and V, specifically 2 grams of methamphetamine
- c. Cherokee Code 14-95.11(c): Possession of drug paraphernalia
- d. Cherokee Code 14-95.24: Possession of gun at time of offense

WHEREAS, due to these charges and his extensive criminal history in other jurisdictions which includes but is not limited to convictions for: breaking or entering, larceny, manufacture marijuana, manufacture schedule VI, driving while impaired, failure to appear, intoxicated and disruptive, probation violations, Tribal Council has good reason to believe that JAMES MICHAEL SCHMIDT is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members by engaging in drug related conduct.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled, with a quorum present and with the number of votes required by Tribal law that JAMES MICHAEL SCHMIDT is hereby permanently excluded from all Tribal lands and is hereby notified and order to vacate all tribal lands.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits JAMES MICHAEL SCHMIDT from entering on or being present on Tribal lands for any purpose except as required by a subpoena issued by Tribal Council or Tribal Court.

BE IT FURTHER RESOLVED that if JAMES MICHAEL SCHMIDT is found improperly on Tribal lands at any time after the effective date of this resolution, he shall be treated as a trespasser and appropriate legal action shall be taken against him.

BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by The Cherokee Indian Police Department Chief of Police pursuant to Cherokee Code Chapter 2