

**CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY (NC)**

Date: _____

RESOLUTION NO. _____ (2018)

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 this Eastern Band at Chapter 2 of the Cherokee Code; and

WHEREAS, JUAN MENDOZA, with a date of birth of 3/24/1987 is a not a member of the Eastern Band of Cherokee Indians; and

WHEREAS, on November 28th 2017, JUAN MENDOZA was charged with:
Possession of a Controlled Substance;
Possession of Drug Paraphernalia;
Simple Possession of Marijuana;
and

WHEREAS, most recently, on or about 06/15/2018, JUAN MENDOZA plead guilty to the following offense on Tribal lands of the Eastern Band of Cherokee Indians:

Possession of a Controlled Substance;

WHEREAS, JUAN MENDOZA received a sentence from the Cherokee Court of 120 days active incarceration, with 30 of those days being suspended for 1 year of unsupervised probation with a special condition that for the term of probation the defendant not be on or about the trust lands of the EBCI; and

WHEREAS, the power to banish JUAN MENDOZA for his conviction lies solely within the power of Tribal Council under Cherokee Code Chapter 2; and

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present and with the number of votes required by Tribal law, that JUAN MENDOZA is hereby excluded from all Tribal lands indefinitely and is hereby notified and order to vacate all Tribal lands.

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BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by the Tribal Prosecutor pursuant to Cherokee Code Chapter 2.