

**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, HOWELL JOSEPH CLINKSCALES, with a birth date of 10/14/81, is not a member of the Eastern Band of Cherokee Indians, and is currently incarcerated at the Cherokee Detention Center;
- WHEREAS, most recently, on or about 2/8/17, HOWELL JOSEPH CLINKSCALES was charged with Assault on a Female (DV), a violation of Cherokee Code 14-40.56; Assault by Strangulation (DV), a violation of Cherokee Code 14-40.49; Kidnapping, a violation of Cherokee Code 14-40.30; Communicating Threats (DV), a violation of Cherokee Code 14-5.2; and that upon his placement in the Cherokee Detention Center HOWELL JOSEPH CLINKSCALES has proceeded to threaten to kill the detention officers, punched a detention officer in the face, and thrown water on the detention officers;
- WHEREAS, due to these charges, incidents in detention, and his extensive criminal history in other jurisdictions which includes but is not limited to convictions for: Possession of Drug Paraphernalia, Possession of Stolen Vehicle, Felony Probation Violation, Assault on Officer Serious Injury, Resisting Public Officer, Assault on Government Official, Receiving Stolen Vehicle; the Tribal Council has good reason to believe that HOWELL JOSEPH CLINKSCALES is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members.

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 HOWELL JOSEPH CLINKSCALES is hereby permanently excluded from all Tribal lands and is hereby notified and ordered to vacate all tribal lands upon such release or transfer.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits HOWELL JOSEPH CLINKSCALES 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 HOWELL JOSEPH CLINKSCALES is found improperly on Tribal lands at any time after the effective date of this resolution or upon his release or transfer from the Cherokee Detention Center, whichever is later, 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.*