

PASSED

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

Date: NOV 04 2021

RESOLUTION NO. 51 (2021)

A resolution to exclude Dustin James Kirkland from the lands of the Eastern Band of Cherokee Indians.

- WHEREAS, the Eastern Band of Cherokee Indians (“EBCI” or “Tribe”) 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, the power to exclude is an inherent and essential part of Tribal sovereignty that is indispensable to the Tribe's autonomy and self-governance; and
- WHEREAS, DUSTIN JAMES KIRKLAND (date of birth 06/10/1985) is not a member of the Eastern Band of Cherokee Indians, but has been found to be on tribal trust lands while allegedly committing crimes; and
- WHEREAS, on October 13, 2021, DUSTIN JAMES KIRKLAND was arrested at the McDonald's parking lot on the Qualla Boundary and charged with Possession of a Controlled Substance, Schedule II – Heroin in violation of state and tribal law; and
- WHEREAS, DUSTIN JAMES KIRKLAND has a long criminal history, including charges for Assault on a Female in Jackson County in 2009, Assault on a Female in Jackson County in 2010, Assault with a Deadly Weapon in Jackson County; and
- WHEREAS, DUSTIN JAMES KIRKLAND has also been charged with Possession of Methamphetamine, several counts of Larceny of a Motor Vehicle, Possession of Stolen Goods, Obtaining Property by False Pretenses, and Felony Kidnapping;
- WHEREAS, DUSTIN JAMES KIRKLAND has faced numerous recent charges of Domestic Violence and Possessing Controlled Substances both on tribal trust land and in neighboring jurisdictions;
- WHEREAS, DUSTIN JAMES KIRKLAND was taken before a Cherokee Court Magistrate on October 13, 2021, and a Writ of Emergency Temporary Exclusion was issued and served on him by hand delivering a copy of the Writ to him, and he was scheduled to appear before Tribal Council on November 4, 2021; and

WHEREAS, due to the nature of these charges and based on his residing on Tribal trust land, the Tribal Council has good reason to believe that DUSTIN JAMES KIRKLAND is a threat to the integrity, law and order of EBCI lands and the welfare of the members of the Tribe.

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, DUSTIN JAMES KIRKLAND is hereby permanently excluded from all Tribal lands and is hereby notified and ordered to vacate all tribal lands.

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

BE IT FURTHER RESOLVED that if DUSTIN JAMES KIRKLAND 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 Chief of Police of the Cherokee Indian Police Department pursuant to Cherokee Code Chapter 2.

The attached Resolution/Ordinance No. 51 dated NOVEMBER 04, 2021 was:

PASSED (X)

KILLED ()

and ratified in open Council on NOVEMBER 04, 2021 by 93 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Teresa McCoy	X			
Boyd Owle	X			
Bucky Brown	X			
TW Saunooke				X
David Wolfe	X			
Adam Wachacha	X			
Bo Crowe	X			
Bill Taylor	X			
Albert Rose	X			
Dike Sneed	X			
Tommye Saunooke	X			
	93	0	0	7

Richard French

TRIBAL COUNCIL CHAIRMAN

Michon Thompson

ENGLISH CLERK

[Signature]
PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: _____

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

INTERPRETED ()

OMITTED ()