

**PASSED**

CHEROKEE COUNCIL HOUSE  
CHEROKEE, QUALLA BOUNDARY, NC

NOV 04 2021

Date: \_\_\_\_\_

RESOLUTION NO. 52 (2021)

*A resolution to exclude Joseph Daniel Burton 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, JOSEPH DANIEL BURTON (date of birth 12/11/1977) is not a member of the Eastern Band of Cherokee Indians, but has previously resided in on the Qualla Boundary at 81 Rock Hill Road, and in Union County, Georgia and Cherokee County, NC; and
- WHEREAS, on May 23, 2021, JOSEPH DANIEL BURTON was charged in the Cherokee Court with Kidnapping, Reckless Endangerment, and Domestic Violence Assault in cases 21-CR-9395-9397; and
- WHEREAS, on May 25, 2021 JOSEPH DANIEL BURTON was arrested and allowed to bond out on the condition he have peaceful contact with Becky Williams and be fitted with an alcohol monitoring device; and
- WHEREAS, on July 7, 2021 JOSEPH DANIEL BURTON was issued with a Notice of Hearing on Violation of Probation which alleged he had been in another domestic violence altercation and had lost his ankle monitor while running through the woods; and
- WHEREAS, on July 13, 2021, JOSEPH DANIEL BURTON bonded out with conditions he be supervised by the Cherokee Marshal Service and not use or consume alcohol; and
- WHEREAS, on August 3, 2021 another order for the arrest of JOSEPH DANIEL BURTON was issued because he was non-compliant with his release order; and
- WHEREAS, on August 31, 2021 JOSEPH DANIEL BURTON failed to appear for trial in the Cherokee Court; and

WHEREAS, JOSEPH DANIEL BURTON has been alleged to have committed previous drug offenses, including possession of methamphetamine in Union County, Georgia, in June 2019; and

WHEREAS, JOSEPH DANIEL BURTON has previous charges for drug offenses and driving while impaired in other jurisdictions; 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 JOSEPH DANIEL BURTON is a threat to the integrity, law and order of Eastern Band of Cherokee Indians 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, JOSEPH DANIEL BURTON 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 JOSEPH DANIEL BURTON 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 JOSEPH DANIEL BURTON 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. 52 dated NOVEMBER 04, 2021 was:

**PASSED ( X )**

**KILLED ( )**

and ratified in open Council on NOVEMBER 04, 2021 by 100 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			
	100	0	0	0

*Richard French*

TRIBAL COUNCIL CHAIRMAN

*Michelle Thompson*

ENGLISH CLERK

APPROVED ( ) VETOED ( )

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 ( )