

**PASSED**

CHEROKEE COUNCIL HOUSE  
CHEROKEE, QUALLA BOUNDARY, NC

Date: NOV 04 2021

RESOLUTION NO. 55 (2021)

*A resolution to exclude Robert Cody Gaddis 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, ROBERT CODY GADDIS (date of birth 02/08/1993) is not a member of the Eastern Band of Cherokee Indians; and
- WHEREAS, on October 26, 2021, ROBERT CODY GADDIS was arrested on the Qualla Boundary on Soco Mountain at Hyatt Cove Road and charged with Possessing a Controlled Substance Classified in Schedule I of the Controlled Substances Act, in violation of Cherokee Code 14-95.5(a), and Possession of Drug Paraphernalia in violation of N.C.G.S. 90-113.22(A); and
- WHEREAS, on October 26, 2021, ROBERT CODY GADDIS was taken before a tribal magistrate and served with a Writ of Emergency Temporary Exclusion and told he was being excluded from the lands of the Eastern Band of Cherokee Indians; and
- WHEREAS, in 2016, ROBERT CODY GADDIS was twice charged with Felony Possession of Methamphetamine by the Madison County NC Sheriff's Office; and was also charged with Possession of Drug Paraphernalia, Possession of a Schedule IV Controlled Substance, and Shoplifting, in Madison County District Court; and
- WHEREAS, in 2019, ROBERT CODY GADDIS was arrested in Buncombe County NC and charged with Possession of Methamphetamine and Shoplifting, which resulted in him pleading guilty to Solicitation to Commit a Felony of Possessing Methamphetamine, for which he was placed on probation; and
- WHEREAS, after ROBERT CODY GADDIS was placed on probation, he was again charged in Buncombe County with Felony Possession of Methamphetamine, to which he

later pled guilty to Solicitation to Commit a Felony of Possessing Methamphetamine; and

WHEREAS, in 2020, ROBERT CODY GADDIS was arrested several times in Buncombe County for Felony Possession of Schedule I Controlled Substance, Felony Possession of Cocaine, Felony Possession of Heroin, Carrying a Concealed Weapon, Possession of Drug Paraphernalia, and Felony Possession of a Controlled Substance in a Jail Facility; and

WHEREAS, in April 2021, ROBERT CODY GADDIS was arrested in Buncombe County NC and charged with Possession of Heroin, Possession of Methamphetamine, and Possession of Drug Paraphernalia; and

WHEREAS, in August 2021, ROBERT CODY GADDIS was arrested in Madison County NC and charged with Felony Possession of Cocaine, Felony Possession of Heroin, and Possession of Drug Paraphernalia; and

WHEREAS, due to the nature of these charges, the Tribal Council has good reason to believe that ROBERT CODY GADDIS 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, ROBERT CODY GADDIS 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 ROBERT CODY GADDIS 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 ROBERT CODY GADDIS 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.*

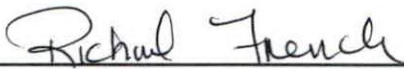
The attached Resolution/Ordinance No. 55 dated NOVEMBER 04, 2021 was:

**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



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



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 ( )