

**PASSED**

CHEROKEE COUNCIL HOUSE  
CHEROKEE, QUALLA BOUNDARY, NC

Date: NOV 04 2021

RESOLUTION NO. 57 (2021)

*A resolution to exclude Jessica Gail Conway 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, JESSICA GAIL CONWAY (date of birth 02/06/1986) is not a member of the Eastern Band of Cherokee Indians, but during previous interactions with the Cherokee Indian Police Department has given addresses of 149 Columbus George Road in Cherokee and 31 Old Pheasant Road in Cherokee; and
- WHEREAS, on November 1, 2021, JESSICA GAIL CONWAY was arrested on the Qualla Boundary where Old Gap Road intersects with Wrights Creek 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
- WHEREAS, on November 1, 2021, JESSICA GAIL CONWAY was taken before a tribal magistrate and served with a Writ of Emergency Temporary Exclusion and told she was being excluded from the lands of the Eastern Band of Cherokee Indians; and
- WHEREAS, during the November 1, 2021 traffic stop, JESSICA GAIL CONWAY was a passenger in a vehicle with what the passengers admitted was heroin located inside, along with plastic baggies and dozens of used syringes; and
- WHEREAS, JESSICA GAIL CONWAY has previously been charged in Jackson County, NC with False Report to a Police Station and Possession of Stolen Goods and Property; and
- WHEREAS, JESSICA GAIL CONWAY was charged with Felony Possession of Heroin, a Schedule I Controlled Substance, in Jackson County District Court in case 21-CR-51636; and

WHEREAS, JESSICA GAIL CONWAY has been involved in at least twenty-nine (29) total incidents with the Cherokee Indian Police Department since October 2017; 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 JESSICA GAIL CONWAY 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, JESSICA GAIL CONWAY 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 JESSICA GAIL CONWAY 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 JESSICA GAIL CONWAY is found improperly on Tribal lands at any time after the effective date of this resolution she shall be treated as a trespasser and appropriate legal action shall be taken against her.

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. 57 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

*Richard French*

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 ( )