

PASSED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, QUALLA BOUNDARY, NC

Date: JAN 11 2022

RESOLUTION NO. 114 (2022)

*A resolution to exclude Brandon Lee Gibson 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 the lands, and the welfare of Tribal members; 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, BRANDON LEE GIBSON (Date of Birth: 04/12/1977) is not a member of the Eastern Band of Cherokee Indians, and has been residing in Haywood County, North Carolina; and
- WHEREAS, on November 17, 2021, BRANDON LEE GIBSON was a passenger in a vehicle leaving a known drug house in the Wrights Creek area of the Qualla Boundary; and
- WHEREAS, the vehicle was stopped by Cherokee Indian Police Department officers after the driver of the vehicle failed to stop at a stop sign prior to turning from Wrights Creek Road onto US Highway 19; and
- WHEREAS, BRANDON LEE GIBSON was found sitting in the back seat of the vehicle in proximity to a plastic baggie containing a substance consistent with methamphetamine; and
- WHEREAS, BRANDON LEE GIBSON was arrested and charged with Possession of a Schedule II Controlled Substance, Methamphetamine, in violation of N.C.G.S. § 90-95(A)(3), in Jackson County District Court; and
- WHEREAS, while in custody, BRANDON LEE GIBSON was served with a Writ of Emergency Temporary Exclusion issued by a Cherokee Court magistrate; and
- WHEREAS, on October 22, 2021, BRANDON LEE GIBSON was arrested in Haywood County and charged with Trafficking in Methamphetamine and Conspiracy to Traffick Methamphetamine by the Haywood County Sheriff’s Department for which he has pending court dates in January 2022; and

WHEREAS, BRANDON LEE GIBSON has a lengthy criminal history, including charges for Breaking or Entering a Motor Vehicle, Larceny, Possession of Stolen Goods, Uttering Forged Instruments, Larceny of a Motor Vehicle, Felony Identify Theft, Felony Failure to Stop for Hit and Run Causing Serious Injury, Harassment of a Juror, Obstruction of Justice, Felony Conspiracy, Injury to Telephone Wires, Larceny of a Firearm, and other assorted criminal charges; and

WHEREAS, dating back to 2009, BRANDON LEE GIBSON has over 27 total involvements with the Cherokee Indian Police Department; and

WHEREAS, due to the nature of the alleged criminal actions and lengthy criminal history of BRANDON LEE GIBSON, and based on his residing near Tribal trust lands, the Tribal Council has good reason to believe that BRANDON LEE GIBSON 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, BRANDON LEE GIBSON 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 BRANDON LEE GIBSON 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 BRANDON LEE GIBSON 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 Attorney General's Office on behalf of the Chief of Police as provided in Cherokee Code Chapter 2.*

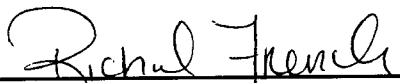
The attached Resolution/Ordinance No. 114 dated JANUARY 11, 2022 was:

**PASSED ( X )**

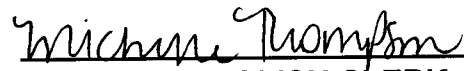
**KILLED ( )**

and ratified in open Council on JANUARY 11, 2022 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: 1-12-22

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 ( )