

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: JAN 11 2022

RESOLUTION NO. 113 (2022)

A resolution to exclude Joshua Lawrence Bradley 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, JOSHUA LAWRENCE BRADLEY (Date of Birth: 04/16/1982) is not a member of the Eastern Band of Cherokee Indians, and has been residing in Haywood County, North Carolina; and
- WHEREAS, at various times, JOSHUA LAWRENCE BRADLEY has also resided in the Rough Branch area of Tribal trust lands; and
- WHEREAS, on December 8, 2021, JOSHUA LAWRENCE BRADLEY was found at the intersection of Wrights Creek Road and Sam Sherrill Road on Tribal trust lands where he was alleged to be in possession of 13.6 grams of methamphetamine; and
- WHEREAS, JOSHUA LAWRENCE BRADLEY was arrested and charged with Possession With Intent to Manufacture, Sell or Deliver a Schedule II Controlled Substance (Methamphetamine), in violation of N.C.G.S. § 90-95(A)(2) and 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 on December 8, 2021, JOSHUA LAWRENCE BRADLEY was served with a Writ of Emergency Temporary Exclusion issued by a Cherokee Court magistrate, by hand delivery of the Writ at the Jackson County Jail; and
- WHEREAS, JOSHUA LAWRENCE BRADLEY has a lengthy criminal history, including charges for Child Abuse, Assault on a Child Under 12, Assault on a Female, Injury to Real Property, Resisting Public Officer, Driving While Impaired, Aggravated Driving While Impaired, Misdemeanor Probation Violation; and
- WHEREAS, dating back to 2009, JOSHUA LAWRENCE BRADLEY has over 16 total involvements with the Cherokee Indian Police Department; and

WHEREAS, due to the nature of the alleged criminal actions and criminal history of JOSHUA LAWRENCE BRADLEY and based on his residing on and near Tribal trust lands, the Tribal Council has good reason to believe that JOSHUA LAWRENCE BRADLEY 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, JOSHUA LAWRENCE BRADLEY 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 JOSHUA LAWRENCE BRADLEY 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 JOSHUA LAWRENCE BRADLEY 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. 113 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

Richard French

TRIBAL COUNCIL CHAIRMAN

Michelle Thompson

ENGLISH CLERK

Richard French

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 ()