

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: JAN 11 2022

RESOLUTION NO. 115 (2022)

A resolution to exclude Rachel Nicole Rogers (a/k/a Rachel Fleming) 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, RACHEL NICOLE ROGERS (a/k/a RACHEL FLEMING) (Date of Birth: 02/17/1988) (hereinafter RACHEL NICOLE ROGERS) is not a member of the Eastern Band of Cherokee Indians, and has been residing at various locations in and around western North Carolina; and
- WHEREAS, on November 23, 2021, RACHEL NICOLE ROGERS was found on Rec Park Road on Tribal trust lands; and
- WHEREAS, while on Rec Park Road, RACHEL NICOLE ROGERS is alleged to have been in possession of fentanyl; and
- WHEREAS, RACHEL NICOLE ROGERS was also found to be in possession of a green leafy substance inside a small zip-lock bag; and
- WHEREAS, subsequent to her arrest by Cherokee Indian Police Department officers, a Swain County magistrate found probable cause to charge RACHEL NICOLE ROGERS with Felony Possession of a Schedule II Controlled Substance, in violation of N.C.G.S. § 90-95(A)(1), Possession of Drug Paraphernalia, and Possession of Marijuana; and
- WHEREAS, while in custody, on November 23, 2021, RACHEL NICOLE ROGERS was served with a Writ of Emergency Temporary Exclusion issued by a Cherokee Court magistrate; and
- WHEREAS, when RACHEL NICOLE ROGERS was arrested, she was with Michael Noah Moore, who was arrested by Cherokee Indian Police officers on a Magistrate’s Order for a Fugitive, alleging he was a Fugitive from justice from Rabun County, Georgia, where he was facing outstanding charges for Trafficking

Methamphetamine; and

WHEREAS, due to the nature of the alleged criminal actions of RACHEL NICOLE ROGERS and based on her residing near Tribal trust lands, the Tribal Council has good reason to believe that RACHEL NICOLE ROGERS 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, RACHEL NICOLE ROGERS 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 RACHEL NICOLE ROGERS 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 RACHEL NICOLE ROGERS 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 Attorney General's Office on behalf of the Chief of Police as provided in Cherokee Code Chapter 2.

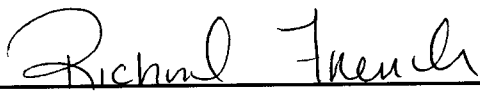
The attached Resolution/Ordinance No. 115 dated JANUARY 11, 2022 was:

PASSED (X)

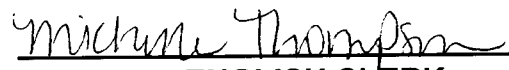
KILLED ()

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 ()