

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: FEB 01 2022

RESOLUTION NO. 131 (2022)

*A resolution to exclude Johnathan Lee Newberry 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, JOHNATHAN LEE NEWBERRY (Date of Birth: 08/28/1992) is not a member of the Eastern Band of Cherokee Indians, and has been residing in Bryson City, North Carolina; and
- WHEREAS, on December 15, 2021, JOHNATHAN LEE NEWBERRY was found to be on Tribal trust lands and was charged with Possession of Methamphetamine, a Schedule II Controlled Substance, in Swain County District Court case number 22-CR-50589, in Swain County, North Carolina; and
- WHEREAS, JOHNATHAN LEE NEWBERRY has a court date pending in Swain County District Court of March 22, 2022; and
- WHEREAS, on December 15, 2021, JONATHAN LEE NEWBERRY was served with a Writ of Emergency Temporary Exclusion by a Magistrate of the Cherokee Court; and
- WHEREAS, JOHNATHAN LEE NEWBERRY was previously charged in Swain County with one count of Possession of Methamphetamine and one count of Possession of Drug Paraphernalia in 2017; and
- WHEREAS, due to the nature of the alleged criminal actions in December 2021 and previously of JOHNATHAN LEE NEWBERRY and based on his residing near Tribal trust lands and his previous involvement with the Cherokee Indian Police Department, the Tribal Council has good reason to believe that JOHNATHAN LEE NEWBERRY 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, JOHNATHAN LEE NEWBERRY 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 JOHNATHAN LEE NEWBERRY 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 JOHNATHAN LEE NEWBERRY 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. 131 dated FEBRUARY 1, 2022 was:

PASSED (X)

KILLED ()

and ratified in open Council on FEBRUARY 1, 2022 by 88 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			
	88	0	0	12



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHOLD () VETO DENIED ()

DATE: 2/2/22

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 ()