

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: FEB 01 2022

RESOLUTION NO. 130 (2022)

A resolution to exclude Lori Ann Buchanan 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, LORI ANN BUCHANAN (Date of Birth: 02/20/1970) is not a member of the Eastern Band of Cherokee Indians, and has been residing at 163 Bird Hill Road in Cherokee; and
- WHEREAS, on December 13, 2021, LORI ANN BUCHANAN was found on Tribal trust lands allegedly while in possession of methamphetamine and suboxone; and
- WHEREAS, subsequent to her arrest by Cherokee Indian Police Department officers, a Swain County magistrate found probable cause to charge LORI ANN BUCHANAN with Felony Possession of a Schedule II Controlled Substance, in violation of N.C.G.S. § 90-95(A)(1), and Misdemeanor Possession of a Schedule III; and
- WHEREAS, LORI ANN BUCHANAN is currently facing charges of Felony Possession of Methamphetamine and Misdemeanor Possession of Schedule III Controlled Substance in Swain County District Court in case number 21-CR-50586, with a court date pending on January 18, 2022; and
- WHEREAS, while in custody, on December 13, 2021, LORI ANN BUCHANAN was served with a Writ of Emergency Temporary Exclusion issued by a Cherokee Court magistrate; and
- WHEREAS, LORI ANN BUCHANAN is currently facing the following charges by Cherokee Indian Police Department officers, which have been filed in Swain County District Court:

<u>Case Number</u>	<u>Charge</u>	<u>Court Date</u>
21-CR-50586	Poss. Methamphetamine	1/18/2022
	Poss. Schedule III CS	

21-IF-119	Traffic	1/24/2022
21-CR-50609	Poss. Methamphetamine	3/22/2022
	Second Degree Trespass	

WHEREAS, the criminal history search of LORI ANN BUCHANAN indicates she has faced multiple criminal charges across various states, including for example (this list is not all charges which LORI ANN BUCHANAN has faced):

Year	Charge	State
1994	Marijuana Poss. W/ Intent to Distribute	FL
1995	Resisting Officer	FL
2001	Robbery	FL
2001	Probation Violation	FL
2002	Probation Violation	FL
2002	Possession of Cocaine	FL
2004	Possession of Drug Equipment	FL
2004	Robbery	FL
2005	Burglary	FL
2017	Fraud	FL
2017	Dealing in Stolen Property	FL
2017	Burglary	FL

WHEREAS, due to the nature of the alleged criminal actions of LORI ANN BUCHANAN and based on her residing on or near Tribal trust lands, the Tribal Council has good reason to believe that LORI ANN BUCHANAN 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, LORI ANN BUCHANAN 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 LORI ANN BUCHANAN 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 LORI ANN BUCHANAN 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.

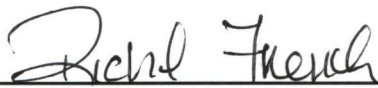
The attached Resolution/Ordinance No. 130 dated FEBRUARY 1, 2022 was:

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 UPHELD () 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 ()