

# PASSED

Cherokee Council House  
Cherokee, Qualla Boundary (NC)

Date: APR 07 2016

## RESOLUTION NO. 197 (2016)

- WHEREAS, the Eastern Band of Cherokee Indians has the sovereign authority to exclude persons from lands of the Eastern Band in order to protect the integrity, law and order of those lands and the welfare of the members of the Tribe; 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, ANDREW TAB KILPATRICK is not a member of the Eastern Band of Cherokee Indians and is or has been entering or residing on Tribal lands; and
- WHEREAS, on 12/22/15 ANDREW TAB KILPATRICK was arrested due to the probable cause of a violation of Cherokee Criminal Code for the following drug related offenses:
- a. Cherokee Code 14-95.5(a) Possessing a controlled substance classified in Schedules I-V, specifically for possession of Methamphetamine .5 grams;
  - b. Cherokee Code 14-95.11(c) Using, possessing with intent to use drug paraphernalia;
- WHEREAS, due to his criminal history of which includes possessions of drugs ANDREW TAB KILPATRICK, the Tribal Council has good reason to believe that ANDREW TAB KILPATRICK is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members.
- NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled, with a quorum present that ANDREW TAB KILPATRICK 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 ANDREW TAB KILPATRICK from entering on or being present on Tribal lands for any purpose except as required by a subpoena issued by Tribal Council or Tribal Court.
- BE IT FURTHER RESOLVED that if ANDREW TAB KILPATRICK 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- BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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 Cherokee Indian Police Department Chief of Police pursuant to Cherokee Code 2-9.*

The attached Resolution/Ordinance No. 197 dated APRIL 7, 2016 was:

**PASSED ( X )**

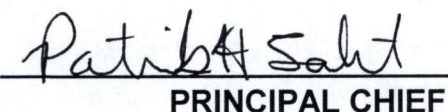
**KILLED ( )**

and ratified in open Council on April 7, 2016 by 81 voting for the act  
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	X			
Richard French	X			
Travis Smith	X			
B Ensley				X
Anita Lossiah	X			
Brandon Jones	X			
Bill Taylor				X
Bo Crowe	X			
Adam Wachacha	X			
Albert Rose	X			
Marie Junaluska	X			
Tommye Saunooke	X			
	81	0	0	19

  
TRIBAL COUNCIL CHAIRMAN

  
ENGLISH CLERK

  
PRINCIPAL CHIEF

APPROVED (✓) VETOED ( )

VETO UPHeld ( ) VETO DENIED ( )

DATE: 4-27-16

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 ( )