

# PASSED

Cherokee Council House  
Cherokee, Qualla Boundary (NC)

Date: APR 07 2016

## RESOLUTION NO. 201 (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, DARIAN DRE'VON SMITH 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 12/8/15 DARIAN DRE'VON SMITH 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 Residue;
  - b. Cherokee Code 14-95.11(c) Using, possessing with intent to use drug paraphernalia;
  - c. Cherokee Code 14-95.22 Causing Cherokee Code 14-95.11(c) to be an aggravating factor based on prior convictions
- WHEREAS, due to his criminal history of which includes possessions of drugs DARIAN DRE'VON SMITH, the Tribal Council has good reason to believe that DARIAN DRE'VON SMITH 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 DARIAN DRE'VON SMITH 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 DARIAN DRE'VON SMITH 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 DARIAN DRE'VON SMITH 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- BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

The attached Resolution/Ordinance No. 201 dated APRIL 7, 2016 was:


**PASSED ( X )**

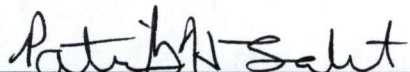
**KILLED ( )**

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 ( )