

AMENDED

PASSED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: OCT 12 2015

RESOLUTION NO. 26 (2015)

WHEREAS, the Eastern Band of Cherokee Indians (Tribe) has the sovereign authority to exclude persons from lands of the Tribe in order to protect the integrity and law and order of those lands or 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 Tribe at Chapter 2 of the Cherokee Code; and

WHEREAS, KOEUN CHEA is not a member of the Eastern Band of Cherokee Indians and is or has been entering or residing on Tribal lands; and

WHEREAS, KOEUN CHEA was temporarily excluded on September 7, 2015 due to violation of Cherokee Criminal Code for the following drug related offenses:

- a. Cherokee Code 14-95.5(c) Possessing a Controlled Substance
- b. Cherokee Code 14-95.6(b) Selling or Delivering and Possession with intent to sell or deliver a controlled substance
- c. NCGS 90-95(A)(3) Felony possession Schedule II Controlled Substance
- d. NCGS 90-95(D)(2) Simple possession of Schedule VI Controlled Substance; and

WHEREAS, Tribal Council has good reason to believe that KOEUN CHEA is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members by engaging in drug related conduct.

NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in ^{Annual} Council assembled, with a quorum present and with the number of votes required by Tribal law that the Writ previously issued upon KOEUN CHEA be renewed until the next scheduled session of Tribal Council in November 2015 for a hearing to review all facts and determinations in this matter.

BE IT FURTHER RESOLVED that this renewed Writ prohibits KOEUN CHEA from entering on or being present on Tribal lands for any purpose except as permitted by Tribal Council.

BE IT FURTHER RESOLVED that if KOEUN CHEA 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BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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 Office of the Attorney General on behalf of those
authorized under Chapter 2 of the Cherokee Code*

Amendment to Res. No. 26 (2015) : In the, "NOW THEREFORE BE IT RESOLVED," insert, the word, "ANNUAL" before "Council."

EASTERN BAND OF CHEROKEE INDIANS

Tribal Council

EBCI
CHEROKEE TRIBAL COURT
CHEROKEE, N.C.

Writ Application No (if applicable)

EASTERN BAND OF CHEROKEE INDIANS VERSUS

Name of Individual

Koeun Chea

Non-Member

☒ Yes

Race

UKW

Sex

M

DOB

12-11-80

FILED

WRIT OF EMERGENCY
TEMPORARY EXCLUSION

FINDINGS

Location of Incident

483 Casme DR

Date of Incident

9-7-15

Time of Incident

7:10 AM

CIPD Case Number

1509070710 ML

I, the undersigned have reviewed the Application for Writ of Emergency Temporary Exclusion and have determined that probable cause exists that on or about the date of offense shown and in the location named above, the non-member individual named above did commit a Drug Offense, as defined in C.C. §2-9, and thereby constitutes a treat to the integrity and law and order on Tribal lands of the Eastern Band of Cherokee Indians and territory or welfare of its members.

Drug Statute

Offense

90-95(A)(3)

Possession with Intent to sell, run and deliver SCH II CS

90-95(D)(2)

Simple poss. of SCH VI

90-95(A)(3)

Felony poss of SCH II

WRIT

TO THE PERSON NAMED ABOVE

Under the authority of the Laws of the Eastern Band of Cherokee Indians, you are ordered to leave the territorial jurisdiction of the Eastern Band of Cherokee Indians and not to return until permitted by the Tribal Council of the Eastern Band of Cherokee Indians. This application and Writ will be placed on the agenda of Tribal Council on the date and time showed below. You may appear at this hearing where Tribal Council will review all facts and determinations in this matter.

TO ANY CHEROKEE OFFICER

Under the authority of the Laws of the Eastern Band of Cherokee Indians, you are hereby ordered to execute this Writ of Emergency Temporary Exclusion by serving a copy of this Writ and Application upon the person named above and transporting this Non-Member to any point outside the territorial jurisdiction of the Eastern Band of Cherokee Indians. This is in addition to any criminal charged filed against the person named above. If this person is found within the territorial jurisdiction of the Eastern Band of Cherokee Indians after the execution of this Writ, they are to be taken into custody and are to be charged in Federal and/or Tribal Court.

Date To Appear

10-1-15

Time To Appear

8:00

☒ AM☐ PM

Date Of Order

9-7-15

Place To Appear

Council House

Cherokee, Qualla Boundary (NC)

Signature

RETURN OF SERVICE

I certify that was received and served on the defendant as follows:

Date Received

9-7-15

Date of Return

9-8-15

Officer Making Return

The attached Resolution/Ordinance No. 26 dated OCTOBER 12, 2015 was:

PASSED (x)

KILLED ()

and ratified in open Council on OCTOBER 12, 2015 by 100 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			
	100	0	0	0


TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK


PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 10/20/15

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 ()