

PASSED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: SEP 08 2015

RESOLUTION NO. 730 (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, GABRIEL DAVID SIMCOX is not a member of the Eastern Band of Cherokee Indians and is or has been entering or residing on Tribal lands; and

WHEREAS, GABRIEL DAVID SIMCOX was temporarily excluded on July 13, 2015 due to violation of Cherokee Criminal Code and North Carolina General Statutes for the following drug related offenses:

- a. Cherokee Code 14-95.6(b) Manufacture, sell or deliver, or possession with intent to manufacture sell or deliver of a controlled substance – Schedule II
- b. NCGS 90-108(3)(B) Selling Controlled Substance

WHEREAS, Tribal Council has good reason to believe that GABRIEL DAVID SIMCOX 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 Council assembled, with a quorum present and with the number of votes required by Tribal law that GABRIEL DAVID SIMCOX 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 GABRIEL DAVID SIMCOX 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 GABRIEL DAVID SIMCOX 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BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.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*

The attached Resolution/Ordinance No. 730 dated SEPTEMBER 8, 2015 was:

PASSED (X)

KILLED ()

and ratified in open Council on September 8, 2015 by 69 voting for the act
and 12 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	X			
Perry Shell	X			
Tunney Crowe		X		
B Ensley	X			
David Wolfe				X
Bill Taylor	X			
Terri Henry	X			
Brandon Jones	X			
Adam Wachacha	X			
Bo Crowe	X			
Albert Rose			X	
Tommye Saunooke	X			
	69	12	12	7


TRIBAL COUNCIL CHAIRWOMAN


ENGLISH CLERK


PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 9-30-15

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.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band
of Indians. Superintendent, Cherokee Indian Agency.

INTERPRETED ()

OMITTED ()