

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Cherokee Agency
Cherokee, North Carolina 28719

IN REPLY REFER TO.

Michell Hicks, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
88 Council House Loop Cherokee, NC 28719

Dear Chief Hicks:

Attached is signed Tribal Council Resolution/Ordinance No. 533 introduced on **October 27, 2010** and **Passed** on **October 27, 2010.** Should you have any questions regarding this matter please contact me at (828) 497-9131 extension 227.

Sincerely,

Superintendent

AMENDED PASSED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: OCT 27 2010

RESOLUTION NO. 533 (2010)

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 on Tribal lands and territory 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 Eastern Band at Chapter 2 of the Cherokee Code; and

WHEREAS, Christopher James McNeilly aka Chris McNeilly is not a member of the Eastern Band of Cherokee Indians and is currently residing on tribal lands; and

WHEREAS, Christopher James McNeilly aka Chris McNeilly, threatens law and order on Tribal lands and the welfare of enrolled members, specifically Tribal member, Debbie Jumper, by engaging of domestic violence towards her, and for which Debbie Jumper continues to live in fear of physical harm; and

WHEREAS, Christopher James McNeilly aka Chris McNeilly behavior has resulted in the reasonable belief among members of the Eastern Band of Cherokee Indians that he poses a substantial threat of further injury to property and persons if he is allowed to remain; and

WHEREAS, Christopher James McNeilly aka Chris McNeilly's continued presence and behavior constitutes a threat to the integrity and order of the lands and territory of the Eastern Band and to the welfare of its members; and

NOW, THEREFORE, BE IT RESOLVED by the Annual Council, in Council assembled, with a quorum present and with the number of votes required by Tribal law that Christopher James McNeilly aka Chris McNeilly is hereby **permanently excluded** from all tribal lands and IS HEREBY NOTIFIED AND ORDERED TO VACATE ALL TRIBAL LANDS and to remove all personal property from Tribal Lands within 48 hours from the date this resolution is ratified. Any personal property remaining on Tribal lands after that period shall become the property of the Tribe.

BE IT STILL FURTHER RESOLVED that if Christopher James McNeilly aka Chris McNeilly is found on Cherokee lands at any time after being excluded, he shall be treated as a trespasser and law enforcement personnel shall arrest him and take other appropriate legal action against him.

BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall be effective upon ratification by the Principal Chief.

Submitted by: Adam Wachacha, Snowbird Councilmember

Amendment: Resolution submitted by Adam Wachacha and Diamond Brown,
Snowbird/Cherokee County Council Representatives

SURVEYOR'S REPORT

Bureau of Indian Affairs Cherokee Agency

SURVEY PERFORMED BY: Kim A. Chiltoskie, Surveying Technician,
Donna M. Ortiz, Surveying Technician

DATE OF SURVEY: 10/18/2010 - 10/20/2010

CLIENT : Davidson Smoker

COMMUNITY OR COUNTY: Snowbird Community

PARCEL : Parcel No. 36

PROJECT: The project is located in the Snowbird Community of Graham County, NC, just off the intersection of Snowbird Rd. SR 1127 and Massey Branch Rd.

DESCRIPTION OF WORK: Identify the boundary lines and corners of Parcel No. 36 for possible encroachment.

CONDUCT OF SURVEY: The NE corner of Parcel #36 (being also marker M-SB69F) located and also Iron Pipe Found, being on the east line of Parcel #36 and the SW corner of Parcel #101. For a more exact location of corners, a closed traverse was run for computation purposes. Corners for Parcel #37 were calculated and iron rods were placed and referenced on the ground. From the placement of the corners a complete topography of the parcels was done, for further determination of encroachment.

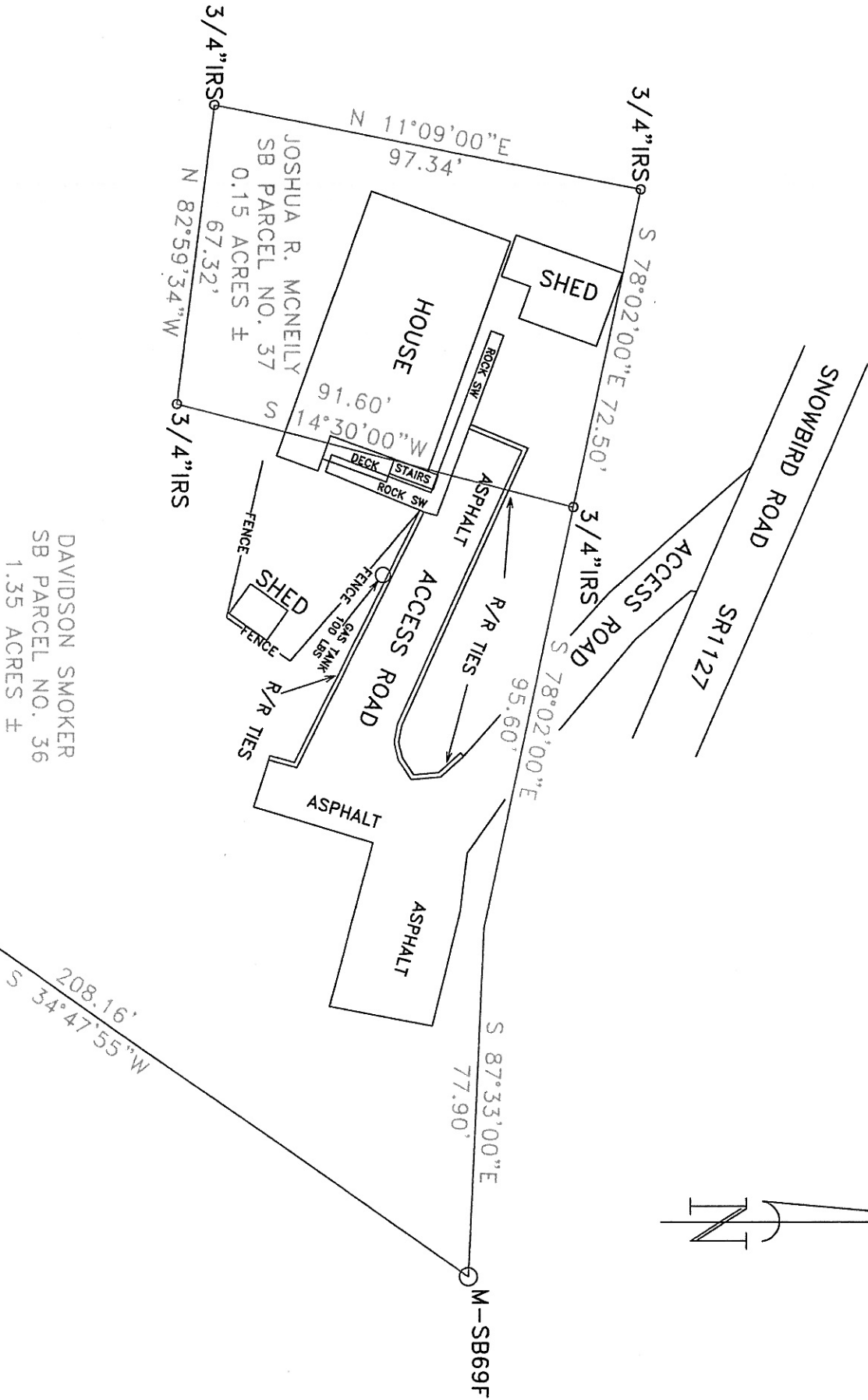
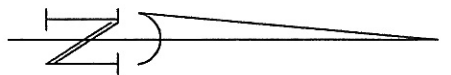
RESULTS: It can be determined from the topography and the placement of the corners that a large amount of land has been encroached upon, and that the following improvements: shed, woven wire fence, stairway, deck, crossties, asphalt, gas tank and portion of building are located completely within the bounds of Parcel #36. A drawing of the topography (SB36adj.dwg) has been copied and attached to this document.

S. A. Clark.

Surveying Technician

Donna Ruby

Surveying Technician



History of Court Pleadings Regarding Domestic Violence and Related Matters

Page One of Two Pages

Case, County, Case File No., and Charges	Date Opened	Date Closed	Disposition
Debbie McNeilly vs. Chris McNeilly Graham County District Court File No. 07 CvD 128 Domestic Violence	6/28/07	7/2/07	Consent Order to expire 7/2/08
Chris McNeilly vs. Debbie McNeilly Graham County District Court File No. 07 CvD 131 No Contact Order for Stalking or Non-Consensual Sexual Contact	7/6/07	7/6/07	Temporary No Contact Order to expire 7/16/07
State of North Carolina vs. Christopher James McNeilly Graham County Superior Court File No. 07CR 50458 Warrant for Arrest for Violation of Protective Order	7/31/07	7/21/08	Consent Order, Dismissal
Eastern Band of Cherokee Indians vs. Debbie Lynn McNeilly Domestic Violence, EBCI File No. CR 07-1117 Domestic Criminal Trespass, EBCI File No. CR 07-1118	7/31/07	8/14/07 8/28/07	(per COC) Dismissal Not Guilty
Chris McNeilly vs. Debbie McNeilly EBCI File No. CV 07 549 Complaint and Motion for Domestic Violence Protective Order	8/9/07	8/28/07	Protective Order to expire 8/28/10 - Voluntary Dismissal 7/24/08
State of North Carolina vs. Christopher James McNeilly Graham County Superior Court File No. 08 CR 50004 Warrant for Arrest for Violation of Protective Order	1/9/08	7/21/08	Voluntary Dismissal (per COC)
State of North Carolina vs. Christopher James McNeilly Graham County Superior Court File No. 08CR 50221 Warrant for Arrest for Violation of Protective Order	4/18/08	7/21/08	Voluntary Dismissal (per COC)

History of Court Pleadings Regarding Domestic Violence and Related Matters
Page Two of Two Pages

Case, County, Case File No., and Charges	Date Opened	Date Closed	Disposition
State of North Carolina vs. Christopher James McNeilly Haywood County File No. 09 CR 51950 Communication Threats	5/10/09	9/17/09	Voluntary Dismissal
Debbie Jumper vs. Christopher James McNeilly Jackson County File No. 09 CvD 342 Complaint and Motion for Domestic Violence Protective Order	5/11/09	9/22/09	Voluntary Dismissal (per COC)
Eastern Band of Cherokee Indians Council House re: Christopher James McNeilly Resolution No. 489 - Temporary Exclusion for Domestic Abuse against Tribal Member Debbie McNeilly	9/9/10		Open
Debbie Jumper vs. Christopher J. McNeilly Graham County File No. 10 CvD 195 Complaint and Motion for Domestic Violence Protective Order	9/10/10		Open

STATE OF NORTH CAROLINA

Jackson County

File No.

09-CVD-343

In The General Court Of Justice
District Court Division

Name Of Plaintiff

Debbie Jumper

VERSUS

Name And Address Of Defendant

Joshua Ray McNeilly
2609 Snowbird Rd.
Robbinsville, NC 28771

ORDER CONTINUING DOMESTIC VIOLENCE HEARING AND EX PARTE ORDER

G.S. 50B-2

This matter was scheduled for hearing for emergency relief pursuant to G.S. 50B-2.

☒ The Court finds that the defendant has not been served with notice of this hearing.

☐ Other:

Therefore, this hearing is continued to the date and time specified below to allow for proper service upon the defendant.

Date Of Hearing

June 8, 2009

Time Of Hearing

9:30

☒ AM ☐ PM

Location Of Hearing

Jackson Co. Court House

☒ The Court orders that the ex parte order entered in this case is continued in effect until the date of the hearing set above.

Date

2-19-09

Name Of District Court Judge (Type Or Print)

Signature Of District Court Judge

Danny L. Davis

NOTE TO CLERK: Give or mail a copy of this order to the plaintiff. Mail copies to the defendant, the sheriff, and if the plaintiff resides within the city limits, the local police department.

STATE OF NORTH CAROLINA
COUNTY OF Graham

GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 07 CR 5045

STATE OF NORTH CAROLINA

VS.

Chris McNeilly
DEFENDANT

REQUEST FOR DISMISSAL OF CHARGES
ARISING FROM DOMESTIC VIOLENCE

The undersigned victim requests that the charges against the above named party be voluntarily dismissed and verifies to the District Attorney's Office the following information for consideration of this request:

- (1) I am the victim in this matter.
- (2) I understand the nature of the charges and all of the facts surrounding the charges.
- (3) I do not wish to testify against the defendant.
- (4) I specifically request the District Attorney to dismiss this charge.
- (5) Have you previously charged the defendant with domestic violence assault or other crimes of violence? YES ☐ NO ☐
- (6) Did the defendant use a deadly weapon or have a deadly weapon in his/her possession at the time of this assault? YES ☐ NO ☐
- ~~(7) Were you physically injured as a result of this assault?
YES ☐ NO ☐~~
- (8) Have you sought medical or psychiatric care?
YES ☐ NO ☐
- (9) Did the defendant assault other family members on this or other occasions?
YES ☐ NO ☐
- (10) Has the defendant threatened you in any manner to cause you to seek this dismissal?
YES ☐ NO ☐
- (11) Do you currently have a domestic violence protective order? YES ☐ NO ☐
- (12) Is there other information you desire to be considered?

This the 18 day of July, 2008.

Victim

Victim Advocate/DV Legal Counsel

☐ Recommend Dismissal

ΠΙΣΤΟΤΗΤΑ

STATE OF NORTH CAROLINA

File No.

07-CVD-128

Graham County

In The General Court Of Justice
District Court Division

Name Of Plaintiff

Debbie McNeilly

VERSUS

Name And Address Of Defendant

Chris McNeilly
2609 Snowbird Road
Robbinsville, NC 28771

NOTICE OF HEARING ON DOMESTIC VIOLENCE PROTECTIVE ORDER

G.S. 50B-2

To The Defendant Named Above:

The attached Complaint has been filed alleging that you have committed acts of domestic violence against the plaintiff and/or the plaintiff's minor child(ren).

- ☒ 1. The attached Ex Parte Order has been issued against you. If you violate the Order, you are subject to being held in contempt or being charged with the crime of violating this Ex Parte Order. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether the Order will be continued.
- ☐ 2. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether emergency relief in protecting the plaintiff and the plaintiff's child(ren) should be granted.

Date Of Hearing

07-02-2007

Time Of Hearing

9:30

☒ AM

☐ PM

Date

06-28-2007

Location Of Hearing

Graham County Courthouse
Robbinsville, NC

Signature

Jimmy D. Holloway

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE TO CLERK: If the first block is checked, the hearing must be scheduled within ten (10) days of the issuance of the Ex Parte Order or seven (7) days from date of service on defendant, whichever occurs later. If the second block is checked, the defendant must be given five (5) days notice of the hearing. Give or mail a copy of the Notice to the plaintiff.

RETURN OF SERVICE

I certify that this Notice and a copy of the Complaint ☐ and the Ex Parte Order were received and served on the defendant as follows:

Date Served

Name Of Defendant

- ☐ 1. By delivering to the defendant named above a copy of this Notice of Hearing and a copy of the Complaint ☐ and the Ex Parte Order in this action.
- ☐ 2. By leaving a copy of this Notice of Hearing and a copy of the Complaint ☐ and the Ex Parte Order in this action at the defendant's dwelling house or usual place of above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

☐ Defendant WAS NOT served for the following reason:

Date Received

Date Of Return

Name Of Sheriff

County Of Sheriff

Deputy Sheriff Making Return

STATE OF NORTH CAROLINA

File No.

07CRS 50458

County

In The General Court Of Justice
☐ District ☒ Superior Court Division

STATE VERSUS

Defendant

Christopher McQuilly

DISMISSAL
NOTICE OF REINSTATEMENT

G.S. 15A-302(e), -931, -932, -1009

File Number

Count No.(s)

Offense(s)

07CRS 50458

1

(M) DV Protective Order Violation

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

☒ DISMISSAL

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- ☐ 1. No crime is charged.
- ☐ 2. There is insufficient evidence to warrant prosecution for the following reasons:
- ☐ 3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

☒ 4. Other: (specify)

Pursuant to Agreement of Parties

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)


☐ DISMISSAL WITH LEAVE

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- ☐ 1. The defendant failed to appear for a criminal proceeding at which the defendant's attendance was required and the prosecutor believes that the defendant cannot readily be found.
- ☐ 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
- ☐ 3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.
- ☐ 4. The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 15A.
- ☐ 5. Other: (specify)

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.

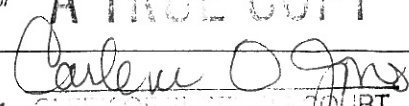
Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Date 7/21/08	Name Of Prosecutor (Type Or Print) F88	Signature Of Prosecutor 
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☐ REINSTATEMENT

This case having previously been dismissed with leave as indicated above, is now reinstated for trial.

Date	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor
------	------------------------------------	-------------------------

A TRUE COPY
Per 
CLERK OF SUPERIOR COURT
COUNTY, N. C.

STATE OF NORTH CAROLINA

Graham

County

File No.

In The General Court Of Justice
☒ District ☐ Superior Court Division

STATE VERSUS

Defendant

Chris McNeilly

DISMISSAL

NOTICE OF REINSTATEMENT

G.S. 15A-302(e), -931, -932, -1009

File Number

Count No.(s)

Offense(s)

07 CR50458
08 CR 50004
08 CR 50221

NOTE: Recall all outstanding Orders For Arrest in a dismissed case.

☐ DISMISSAL

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

- ☐ 1. No crime is charged.
- ☐ 2. There is insufficient evidence to warrant prosecution for the following reasons:

- ☐ 3. Defendant has agreed to plead guilty to the following charges:

in exchange for a dismissal of the following charges:

- ☒ 4. Other: (specify)

RPW

A jury has not been impaneled nor has evidence been introduced. (If a jury has been impaneled, or if evidence has been introduced, modify this sentence accordingly.)

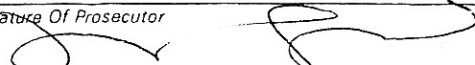
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- ☐ 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
- ☐ 3. The defendant has entered into a deferred prosecution agreement with the prosecutor in accordance with the provisions of Article 82 of G.S. Chapter 15A.
- ☐ 4. The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 15A.
- ☐ 5. Other: (specify)

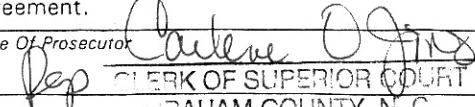
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Also, in accordance with G.S. 15A-931(a1), unless the defendant or the defendant's attorney has been otherwise notified by the prosecutor, a written dismissal of the charges against the defendant must be served in the same manner prescribed for motions under G.S. 15A-951. If the record reflects that the defendant is in custody, the written dismissal shall also be served by the prosecutor on the chief officer of the custodial facility where the defendant is in custody.

Date 7/21/08	Name Of Prosecutor (Type Or Print) Tessa Sellers	Signature Of Prosecutor 
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☐ REINSTATEMENT

- ☐ 1. This case having previously been dismissed with leave because the defendant failed to appear in court as required, is now reinstated for trial.
- ☐ 2. The defendant has failed to comply with the deferred prosecution agreement.

Date	Name Of Prosecutor (Type Or Print)	Signature Of Prosecutor
		

A TRUE COPY

Clerk Of Superior Court
GRAHAM COUNTY, N. C.



North Carolina Department of Revenue

Michael F. Easley
Governor

Reginald S. Hinton
Secretary

September 4, 2008

ATTACHMENT AND GARNISHMENT RELEASE LETTER
TAXPAYER'S COPY

3192 144 080 830
DEBORAH L MCNEILLY
2609 SNOWBIRD RD
ROBBINSVILLE NC 28771-7879

NOTICE NUMBER: 3192 144 080 830

RE: Attachment and Garnishment for taxes

DEBORAH L MCNEILLY
2609 SNOWBIRD RD
ROBBINSVILLE NC 28771-7879
TAXPAYER ID: 239-29-5084
CASE ID: 009244704
TAX TYPE: INDIVIDUAL INCOME

Dear MCDONALD:S RESTAURANTS OF NORTH CAROLINA, INC.:

This is to notify you that the garnishment for taxes issued for the periods listed below has been satisfied:

01/01/05 - 12/31/05

As a matter of record, you are hereby released from any further responsibility in this matter. Any garnishments issued against this taxpayer for periods not indicated above remain in force. Thank you for your assistance in this matter.

Sincerely,

Revenue Officer
1-877-252-3252

Serve

STATE OF NORTH CAROLINA

File No.

09-CVD-131

Graham

County

In The General Court Of Justice
District Court Division

Name Of Plaintiff

Chris McNeilly

VERSUS

Name Of Defendant

Debbie McNeilly

**CIVIL SUMMONS
NO-CONTACT ORDER FOR
STALKING OR NONCONSENSUAL
SEXUAL CONDUCT**

☐ ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To The Defendant Named Below:

Name And Address Of Defendant

Debbie McNeilly

552 Jackson Branch
Robbinsville, NC

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. File a written answer in the office of the Clerk of Superior Court for the county named above within 10 days of the date you were served.
2. Serve a copy of your answer on the plaintiff or the plaintiff's attorney by personal delivery or mail at the address listed below.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (If None, Address Of Plaintiff)

Date Issued

7-6-07

Time

2:50

☐ AM ☒ PM

Signature

Jammy H. Holloway

☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

☐ **ENDORSEMENT**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM ☐ PM

Signature

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

STATE OF NORTH CAROLINA

Graham

County

File No.

07-CVD-131

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff

Chris McNelly

VERSUS

Name And Address Of Defendant

Debbie McNelly

ASP

**TEMPORARY
NO-CONTACT ORDER
FOR STALKING OR
NONCONSENSUAL SEXUAL CONDUCT**

☒ Ex Parte

G.S. 50C-6

FINDINGS

The Court hereby finds that:

1. The Court has jurisdiction over the subject matter.
- ☒ 2. This order is entered ex parte. Immediate and irreparable injury, loss, or damage will result to the plaintiff before notice can be served and defendant heard in opposition because *(define injury and state why it is irreparable)*

01/02

and it appears by certificate of the plaintiff ☐ the efforts that have been made to give notice and reasons supporting the plaintiff's claim that notice should not be required. ☐ that there is good cause to hear the matter ex parte because the harm that is intended to be prevented would likely occur if defendant were given prior notice of the plaintiff's efforts to obtain judicial relief.

- ☐ 3. This order is entered after notice has been provided to the defendant. Present at the hearing were:

☐ the plaintiff, represented by _____

☐ the defendant, represented by _____

- ☒ 4. The plaintiff has suffered unlawful conduct by the defendant in that:

*by the defendant threatening, following,
stalking at her*

- ☐ 5. Other:

CONCLUSIONS

- ☒ 1. The defendant committed acts of unlawful conduct against the plaintiff.
- ☐ 2. The plaintiff has failed to prove grounds for issuance of a temporary no-contact order.

ORDER

It is Ordered that:

- ☒ 1. The defendant shall not visit, assault, molest, or otherwise interfere with the plaintiff.
- ☒ 2. The defendant cease stalking the plaintiff.
- ☒ 3. The defendant cease harassment of the plaintiff.
- ☒ 4. The defendant not abuse or injure the plaintiff.
- ☒ 5. The defendant not contact the plaintiff by telephone, written communication, or electronic means.
- ☐ 6. The defendant not enter or remain present at the plaintiff's residence, school, place of employment, and other places listed below at times when the plaintiff is present.

List Other Places Where Defendant Ordered Not To Be

- ☐ 7. Other: (specify)

- ☒ 8. The terms of this order shall be effective ☒ for ten (10) days from the date of this order. ☐ until (specify date and time if less than 10 days)

- ☐ 9. It is ordered that the parties appear at the time and date set out below for a hearing on whether a permanent no-contact order should be entered.

Date Of Hearing	Time Of Hearing	Location Of Hearing
7-10-07	9:30 AM <input checked="" type="checkbox"/> PM <input type="checkbox"/>	Jackson County Courthouse Sylva, NC
Date	Time	Name Of District Court Judge Or Designated Magistrate (Type Or Print)
7/6/07	2:24 AM <input type="checkbox"/> PM <input checked="" type="checkbox"/>	The Hon. R. L. H. Holt
Signature Of District Court Judge Or Designated Magistrate		

NOTICE TO DEFENDANT: A KNOWING VIOLATION OF A CIVIL NO-CONTACT ORDER SHALL BE PUNISHABLE AS CONTEMPT OF COURT WHICH MAY RESULT IN A FINE OR IMPRISONMENT.

CERTIFICATION

I certify this order is a true copy.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court	<input type="checkbox"/> Assistant CSC
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NOTE TO CLERK: G.S. 50C-9 provides: "The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff." The statute also provides that a copy of the order shall be issued promptly to the police department of the municipality of the victim's residence, or the sheriff or county police if the victim does not live within a municipality with a police department.

STATE OF NORTH CAROLINA

Graham County

File No.

07-CVD-131

In The General Court Of Justice
District Court Division

Name Of Plaintiff/Victim

Chris McNeilly

Name Of Person Filing On Behalf Of Minor Or Incompetent Victim

Address Of Plaintiff/Victim (Use alternative address if afraid to give physical address)

Chris McNeilly
2609 Snowbird rd.
Robbinsville, NC

VERSUS

Name And Address Of Defendant

Debbie McNeilly
552 Jackson branch
Robbinsville, NC

COMPLAINT FOR NO-CONTACT ORDER FOR STALKING OR NONCONSENSUAL SEXUAL CONDUCT

G.S. 50C-2

NOTE TO PLAINTIFF: Do not use this form if the relationship between you or the person on whose behalf you are filing this complaint and the defendant is current or former spouse; persons of the opposite sex who live or have lived together; have a child in common, are related as parent and child or grandparent and grandchild, are current or former household members, or are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. In that situation use "Complaint and Motion for Domestic Violence Protective Order," AOC-CV-303. Check only the boxes below that apply and fill in blanks. Additional

1. ☒ The plaintiff resides ☐ The defendant resides ☐ The unlawful conduct occurred in this county.

2. a. ☒ I am a victim of unlawful conduct that occurred in North Carolina.

b. ☐ The plaintiff is a minor or incompetent adult who is a victim of unlawful conduct that occurred in North Carolina, and I am a competent adult who resides in North Carolina and am filing this complaint on the victim's behalf.

☐ 3. The defendant has committed nonconsensual sexual conduct against the plaintiff in that: (Give specific dates and describe in detail what happened.)

☒ 4. The defendant has followed on more than one occasion or otherwise tormented, terrorized, or terrified the plaintiff named above with the intent to place the plaintiff in reasonable fear for the plaintiff's safety or the safety of the plaintiff's immediate family or close personal associates or with the intent to cause, and which did cause, the plaintiff to suffer substantial emotional distress by placing the plaintiff in fear of death, bodily injury, or continued torment or terror in that: (Give specific dates and describe in detail what happened and how it placed the plaintiff in fear of safety or how it caused substantial emotional distress.)

On July 3, 07 Robert Winfrey and Debbie McNeilly came through Snowbird rd. / Massey branch intersection and almost came to a complete stop and they were both shooting birds out both windows and squealed tires and went on down Massey branch. On July 4 Lisa Williams followed by Robert Winfrey, Debbie McNeilly and Alice Jumper (In the silver Saleen Mustang) slowed down through the Snowbird rd. / Massey branch intersection yelling/screaming and revving up there motors & squealing tires and took off speeding down Massey branch. On July 5 Robert Winfrey and Debbie McNeilly (In the Saleen Mustang) stopped at the Snowbird rd. / Massey branch intersection started screaming and crossing out the
(see Attach.)

Reference: (4)

07-CVD-131

- Window and shooting birds and then they did a donut in the middle of the road (leaving black marks in the road) and speed off down Massey branch. ~~After the~~ A report was made and an officer was sent out to investigate and take note of the black marks left in the road.

7-6-07

Chun Meng

7-6-07

Reference : (3-a)

07-CVD-131

(Debbie McNeilly). On numerous occasions Debbie McNeilly, Lisa Williams, Alice Jumper, Robert Whitfey and friends have come by harrassing and threatening me (Chris McNeilly) at my house. On July 3, July 4, and July 5 they drove by harrassing and threatening me, cussing, shooting birds, revving there motors and doing donuts down on the road right in front of the residence. On July 5 I notified the police and they sent an officer out to the residence to investigate the harrassment and look at the black marks made from the donuts left.

7-6-07

Chris McNeilly

7-6-07



North Carolina Department of Revenue

Michael F. Easley
Governor

Reginald S. Hinton
Secretary

September 4, 2008

ATTACHMENT AND GARNISHMENT RELEASE LETTER
TAXPAYER'S COPY

3192 144 080 830
DEBORAH L MCNEILLY
2609 SNOWBIRD RD
ROBBINSVILLE NC 28771-7879

NOTICE NUMBER: 3192 144 080 830

RE: Attachment and Garnishment for taxes

DEBORAH L MCNEILLY
2609 SNOWBIRD RD
ROBBINSVILLE NC 28771-7879
TAXPAYER ID: 239-29-5084
CASE ID: 009244704
TAX TYPE: INDIVIDUAL INCOME

Dear MCDONALD:S RESTAURANTS OF NORTH CAROLINA, INC.:

This is to notify you that the garnishment for taxes issued for the periods listed below has been satisfied:

01/01/05 - 12/31/05

As a matter of record, you are hereby released from any further responsibility in this matter. Any garnishments issued against this taxpayer for periods not indicated above remain in force. Thank you for your assistance in this matter.

Sincerely,

Revenue Officer
1-877-252-3252

STATE OF NORTH CAROLINA
COUNTY OF GRAHAM

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 07 CR 50458

STATE OF NORTH CAROLINA,)
Plaintiff, BY)
vs.)
CHRISTOPHER JAMES MCNEILLY,)
Defendant.)

DISMISSAL

WHEREAS, the parties have agreed to resolve this matter, as well as various other matters, both civil and criminal, this matter should be DISMISSED WITH PREJUDICE. In conjunction with this dismissal, the parties agree to the following terms and conditions:

1. The chief prosecuting witness, Debbie McNeilly, desires for the matters pending in Graham County, North Carolina 2007 CRS 050458, 2008 CR 050004 AND 2008 CR 050221 to be DISMISSED WITH PREJUDICE. Moreover, the parties desire for any other matter pending in any other jurisdiction concerning these same two parties to be DISMISSED WITH PREJUDICE;

2. The defendant, Christopher James McNeilly, desires for the matter 2008 CRS 000085 (State of North Carolina v. Robert Winfrey) to be DISMISSED WITH PREJUDICE;

3. Christopher James McNeilly also agrees to pay the following amounts to or for the benefit of Debbie McNeilly:

Ford Motor Credit

\$ 1931.16

Internal Revenue Service

\$ 1500.00

Debbie McNeilly

\$ 1091.00

Total

\$ 4522.16

4. Christopher James McNeilly also agrees to DISMISS WITH PREJUDICE, a domestic violence protective order wherein Debbie McNeilly is the defendant, number CR 07-1118, Eastern Band of Cherokee Indians; and

5. The parties, Debbie McNeilly and Christopher James McNeilly further agree to not molest one another or to further denigrate the other henceforth.

STATE OF NORTH CAROLINA

FILED

File No.

10 CVD 195

In The General Court Of Justice
District Court Division

Graham County

SEP 24 PM 12:41

Name Of Plaintiff

Debbie Jumper

VERSUS

Name And Address Of Defendant

Christopher J. McNeilly

ORDER CONTINUING
DOMESTIC VIOLENCE HEARING
AND EX PARTE ORDER

G.S. 50B-2

This matter was scheduled for hearing for emergency relief pursuant to G.S. 50B-2.

☐ The Court finds that the defendant has not been served with notice of this hearing.☒ Other: Defendant's motion to continue. This is the first setting.

Therefore, this hearing is continued to the date and time specified below to allow for proper service upon the defendant.

Date Of Hearing

10-11-10

Time Of Hearing

9:30

☒ AM ☐ PM

Location Of Hearing

Graham District Court

☒ The Court orders that the ex parte order entered in this case is continued in effect until the date of the hearing set above.

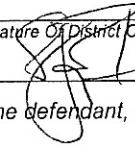
Date

9-24-10

Name Of District Court Judge (Type Or Print)

S. Bryant

Signature Of District Court Judge

**NOTE TO CLERK:** Give or mail a copy of this order to the plaintiff. Mail copies to the defendant, the sheriff, and if the plaintiff resides within the city limits, the local police department.

Charge Still Pending
Judge Bryant would
not hear case
Rep. C. McNeilly
before

Case No. 10CV0195
Court General Court of Justice
District Court Division
County Stanley NORTH CAROLINA 15 AM 9:45
EX PARTE
DOMESTIC VIOLENCE
ORDER OF PROTECTION
G.S. 50B-2, -3, -3.1

PETITIONER/PLAINTIFF
Debbie Jumper
First Middle Last
Date Of Birth Of Petitioner 03/03/60

And/or on behalf of minor family member(s): (List Name And DOB)

Other Protected Persons/DOB:

VERSUS
RESPONDENT/DEFENDANT
Christopher J. McNeilly
First Middle Last

Relationship to Petitioner: ☐ spouse ☒ former spouse
☐ unmarried, of opposite sex, currently or formerly living together
☐ unmarried, have a child in common
☐ of opposite sex, currently or formerly in dating relationship
☐ current or former household member
☐ parent ☐ grandparent ☐ child ☐ grandchild

Respondent's/Defendant's Address

--

RESPONDENT/DEFENDANT IDENTIFIERS

Sex	Race	DOB	HT	WT
Eyes	Hair	Social Security Number		
Drivers License No.		State	Expiration Date	

Distinguishing Features

--

CAUTION:

☐ Weapon Involved

THE COURT HEREBY FINDS THAT:

This matter was heard by the undersigned ☒ district court judge. ☐ magistrate. The court has jurisdiction over the subject matter.

Additional findings of this order are set forth on Page 2.

THE COURT HEREBY ORDERS THAT:

- ☒ The above named Respondent/Defendant shall not commit any further acts of abuse or make any threats of abuse.
☒ The above named Respondent/Defendant shall have no contact with the Petitioner/Plaintiff. No contact includes any defendant-initiated contact, direct or indirect, by means such as telephone, personal contact, email, pager, gift-giving or telefacsimile machine. [05]

Additional terms of this order are as set forth on Pages 3 and 4.

The terms of this order shall be effective until September 25, 2010

WARNINGS TO THE RESPONDENT/DEFENDANT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262).

This order will be enforced anywhere in North Carolina.

Only the Court can change this order. The plaintiff cannot give you permission to violate this order.
See additional warnings on Page 4.

STATE OF NORTH CAROLINA

File No.

09-CVD-342

Jackson County

In The General Court Of Justice
District Court Division

Name Of Plaintiff

Debbie Jumper

VERSUS

Name And Address Of Defendant

Christopher James McNeilly
2609 Snowbird Rd.
Robbinsville, NC 28771ORDER CONTINUING
DOMESTIC VIOLENCE HEARING
AND EX PARTE ORDER

G.S. 50B-2

This matter was scheduled for hearing for emergency relief pursuant to G.S. 50B-2.

☒ The Court finds that the defendant has not been served with notice of this hearing.☐ Other:

Therefore, this hearing is continued to the date and time specified below to allow for proper service upon the defendant.

Date Of Hearing

June 8, 2009

Time Of Hearing

9:30

☒ AM ☐ PM

Location Of Hearing

Jackson Co. Court House

☒ The Court orders that the ex parte order entered in this case is continued in effect until the date of the hearing set above.

Date

5-19-09

Name Of District Court Judge (Type Or Print)

Signature Of District Court Judge

Johnny E. Law

NOTE TO CLERK: Give or mail a copy of this order to the plaintiff. Mail copies to the defendant, the sheriff, and if the plaintiff resides within the city limits, the local police department.

Name Of Defendant		File No.	
CERTIFICATION			
I certify this order is a true copy.			
Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk of Superior Court	<input type="checkbox"/> Assistant CSC
RETURN OF SERVICE			
NOTE: To be used when Magistrate issues <i>ex parte</i> protective order and order will be served on defendant separate from the complaint and civil summons. If complaint and summons are served with order, return on summons covers order.			
I certify that this Ex Parte Domestic Violence Order of Protection was received and served as follows:			
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant	
<input type="checkbox"/> By delivering to the defendant named above a copy of the order.			
<input type="checkbox"/> By leaving a copy of the order at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.			
Name And Address Of Person With Whom Copies Left			
<input type="checkbox"/> Other manner of service on the defendant (<i>specify</i>)			
<input type="checkbox"/> Defendant WAS NOT served for the following reason.			
Date Received		Signature Of Deputy Sheriff Making Return	
Date Of Return		Name Of Sheriff (Type Or Print)	
		County Of Sheriff	

STATE OF NORTH CAROLINA

File No.

10cvd195

Graham County

In The General Court Of Justice
District Court Division

Name Of Plaintiff

Debbie Jumper

VERSUS

Name And Address Of Defendant

Christopher J McNeillv

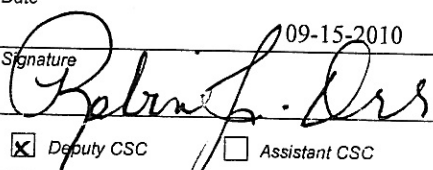
NOTICE OF HEARING
ON DOMESTIC VIOLENCE
PROTECTIVE ORDER

G.S. 50B-2

To The Defendant Named Above:

The attached Complaint has been filed alleging that you have committed acts of domestic violence against the plaintiff and/or the plaintiff's minor child(ren).

- ☒ 1. The attached Ex Parte Order has been issued against you. If you violate the Order, you are subject to being held in contempt or being charged with the crime of violating this Ex Parte Order. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether the Order will be continued.
- ☐ 2. A hearing will be held before a district court judge at the date, time and location indicated below. At that hearing it will be determined whether emergency relief in protecting the plaintiff and the plaintiff's child(ren) should be granted.

Date Of Hearing 09-24-2010	Time Of Hearing 9:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Date 09-15-2010
Location Of Hearing Graham Co. Courthouse Robbinsville, NC		Signature 
		<input checked="" type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

NOTE TO CLERK: If the first block is checked, the hearing must be scheduled within ten (10) days of the issuance of the Ex Parte Order or seven (7) days from date of service on defendant, whichever occurs later. If the second block is checked, the defendant must be given five (5) days notice of the hearing. Give or mail a copy of the Notice to the plaintiff.

RETURN OF SERVICE

I certify that this Notice and a copy of the Complaint ☐ and the Ex Parte Order were received and served on the defendant as follows:

Date Served	Name Of Defendant
-------------	-------------------

- ☐ 1. By delivering to the defendant named above a copy of this Notice of Hearing and a copy of the Complaint ☐ and the Ex Parte Order in this action.
- ☐ 2. By leaving a copy of this Notice of Hearing and a copy of the Complaint ☐ and the Ex Parte Order in this action at the defendant's dwelling house or usual place of above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

☐ Defendant WAS NOT served for the following reason:

Date Received	Date Of Return	Name Of Sheriff
County Of Sheriff	Deputy Sheriff Making Return	

Name Of Defendant

File No.

☐ 10. The ☐ defendant ☐ plaintiff is presently in possession of the parties' vehicle. (describe vehicle)

☐ 11. Other: (specify)

☐ 12. (for magistrate only) This matter was heard at a time when the district court was not in session and a district court judge was not available and would not be available for a period of four or more hours.

CONCLUSIONS

Based on these facts, the Court makes the following conclusions of law:

- ☒ 1. The defendant has committed acts of domestic violence against the plaintiff.
- ☐ 2. The defendant has committed acts of domestic violence against the minor child(ren) residing with or in the custody of the plaintiff.
- ☒ 3. It clearly appears that there is a danger of acts of domestic violence against the ☒ plaintiff. ☐ minor child(ren). [G.S. 50B-2(c)]
- ☐ 4. The minor child(ren) is exposed to a substantial risk of ☐ physical injury. ☐ emotional injury. ☐ sexual abuse. [G.S. 50B-2(c)]
- ☐ 5. The Court has jurisdiction under the Uniform Child Custody Jurisdiction And Enforcement Act.
- ☐ 6. It is in the best interest of and necessary for the safety of the minor child(ren) that the defendant ☐ stay away from the minor child(ren). ☐ (and) return the minor child(ren) to the physical care of the plaintiff. ☐ (and) not remove the minor child(ren) from from the physical care of the plaintiff.
- ☒ 7. The defendant's conduct requires that he/she surrender all firearms, ammunition and gun permits. [G.S. 50B-3.1]
- ☐ 8. The plaintiff has failed to prove grounds for ex parte relief.

ORDER

It is ORDERED that:

- ☒ 1. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☒ 2. the defendant shall not assault, threaten, abuse, follow, harass (by telephone, visiting the home or workplace or other means), or interfere with the minor child(ren) residing with or in the custody of the plaintiff. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [01]
- ☐ 3. the defendant shall not threaten a member of the plaintiff's family or household. [02]
- ☐ 3a. the defendant shall not cruelly treat or abuse an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☐ 4. the plaintiff is granted possession of, and the defendant is excluded from, the parties' residence described above and all personal property located in the residence except for the defendant's personal clothing, toiletries and tools of trade. [03]
- ☐ 5. any law enforcement agency with jurisdiction shall evict the defendant from the residence and shall assist the plaintiff in returning to the residence. [08]
- ☐ 6. the ☐ plaintiff [08] ☐ defendant [08] is entitled to get personal clothing, toiletries, and tools of trade from the parties' residence. A law enforcement officer shall assist the ☐ plaintiff ☐ defendant in returning to the residence to get these items.
- ☐ 6a. the plaintiff is granted the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- ☒ 7. the defendant shall stay away from the plaintiff's residence or any place where the plaintiff receives temporary shelter. A law enforcement officer shall arrest the defendant if the officer has probable cause to believe the defendant has violated this provision. [04]
- ☒ 8. the defendant shall stay away from the following places:
- ☒ (a) the place where the plaintiff works. [04].
- ☐ (b) any school(s) the child(ren) attend. [04]
- ☐ (c) the place where the child(ren) receives day care. [04]
- ☒ (d) the plaintiff's school. [04]
- ☒ (e) Other: (name other places) [04] any place the plaintiff shall be

The sheriff must deliver a copy of this order to the principal or the principal's designee at the following school(s): (name schools)

- ☐ 9. the plaintiff is granted possession and use of the vehicle described in Block No. 10 of the Findings on Page 3. [08]
- ☐ 10. The plaintiff is awarded temporary custody of the minor child(ren) (Check any of a, b, or c that apply.)
- a. ☐ and the defendant is ordered to stay away from the minor child(ren).
- b. ☐ and the defendant is ordered to immediately return the minor child(ren) to the care of the plaintiff.
- c. ☐ and the defendant is ordered not to remove the minor child(ren) from the care of the plaintiff.

EASTERN BAND OF CHEROKEE INDIANS

The Cherokee Court

CHEPOKEE, NC



File No. CR 07-1118

EASTERN BAND OF CHEROKEE INDIANS VERSUS 2007 JUL 31 PM 3:24

Name of Defendant

Deborah McNEELY

FILED

RELEASE ORDER

Offense(s)

Criminal Trespass

Amount of the Bond
\$

Location of Court

Cherokee Courthouse

Date

8-14-07

Time

9:30 Am

To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of bail jumping, which is punishable by up to one year in jail and a \$5,000.00 fine. The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel, family and friends.

Your release is authorized upon execution of your:

☒ WRITTEN PROMISE to appear

☐ CUSTODY RELEASE

☐ CASH BOND ONLY in the amount shown above

☐ UNSECURED BOND in the amount shown above

☐ SECURED BOND in the amount shown above

☐ BOND SECURED WITH GARNISHMENT in the amount shown

You will be arrested if you violate the following restrictions:

☒ Defendant is to stay away from the home, school, business or place of employment of the alleged victim and/or other members of the victim's household or family, as well as any healthcare facility, while the victim is a resident/patient at that facility; Defendant is to refrain from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, or family members of the victim, either directly or indirectly;

☐ Defendant is prohibited from using or possessing a firearm or any other weapon;

☐ Defendant is prohibited from possessing or consuming alcohol;

☐ Defendant is to remain within the jurisdiction of the Cherokee Court at all times;

☒ Defendant is not to violate the laws of this or any other jurisdiction.

☐ Other: (Describe)

☐ Your release is not authorized.

☐ The defendant was surrendered after failing to appear as required under a prior release order. ☐ This was the defendant's second or subsequent fail to appear in this case.

Date 8/13/07

Signature of Judicial Official

[Signature]

☐ Magistrate
☒ Judge

ORDER OF COMMITMENT

To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released by court order, you are ORDERED to:

☐ Public Assistance (Release order may be signed by Officer)

☐ (Domestic Violence charges covered by C.C. §14-40.1) Hold for 72 hours from time of arrest

☐ Hold for additional charges and/or service of additional papers until released by Magistrate.

Time Expires: _____ ☐ AM ☐ PM

☒ Hold until conditions as shown above are met by the Defendant.

Name of Detention Facility

Date

Time

Signature of Judicial Official

APPEARANCE BOND/ RELEASE

☐ UNSECURED BOND - I, the undersigned, acknowledge that I and my personal representative are bound to the Eastern Band of Cherokee Indians in the amount listed below.

☐ CASH BOND - I, the undersigned defendant, acknowledge that I am bound to the Eastern Band of Cherokee Indians in the amount listed below and here deposit that amount as security with the understanding that the deposit will be returned upon the Court's determination that the conditions of the release have been performed.

☐ BOND SECURED WITH GARNISHMENT - I, the undersigned stipulate that I am bound to the Eastern Band of Cherokee Indians in the amount listed below, and if I fail to perform the conditions of release, I consent to the entry of an order of garnishment in the amount shown below in favor of the Cherokee Court against my per capita distribution from the EBCI until the amount has been paid in full.

☒ WRITTEN PROMISE TO APPEAR/CUSTODY RELEASE - I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in Tribal Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.

The conditions of this bond or promise are that the undersigned defendant shall appear as required and at all times render himself/herself amenable to the order and processes of the Court. It is agreed and understood that this bond is effective and binding upon the obligors throughout all stages of the proceedings in the Cherokee Court until the entry of judgment. If the defendant appears as ordered and otherwise obeys and performs the conditions of this bond, then this bond shall be void, but if the defendant fails to obey any of these conditions, the Court will enter an Order declaring the bond forfeited.

Amount of Bond

Date

7-31-07

Signature of Defendant

[Signature]

Signature of Person Posting Cash Bond/ Agreeing to Supervise Defendant

Address of Person Posting Cash Bond/ Agreeing to Supervise Defendant

The attached Resolution/Ordinance No. 533 dated October 27, 2010 was:

PASSED (☒)

KILLED (☐)

and ratified in open Council on October 27, 2010 by 100 voting for the act
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT	TABLE
Teresa McCoy	X				
Perry Shell	X				
Gene Crowe	X				
Mike Parker	X				
David Wolfe	X				
Alan Ensley	X				
Jim Owle	X				
Diamond Brown	X				
Adam Wachacha	X				
Bill Taylor	X				
Terri Henry	X				
Tommye Saunooke	X				
Total:	100	0	0	0	0


TRIBAL COUNCIL CHAIRMAN


CLERK


PRINCIPAL CHIEF

APPROVED (☒)

VETOED (☐)

VETO UPHeld (☐) VETO DENIED (☐)

DATE: 11-2-10

I hereby certify that the foregoing act of the Council was duly:

PASSED (☐)

KILLED (☐)

and ratified by Council Chairperson, Clerk, and Principal Chief of the Eastern Band of Cherokee Indians.

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 (☐)