

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 No. **192** **Feb. 7, 2008** Should you have any questions regarding this matter please contact me at (828) 497-9131 extension 227.

Sincerely,

Superintendent

PASSED

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: FEB 07 2008

RESOLUTION NO. 192 (2008)

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, STEPHANIE NICOLE OGLE is not a member of the Eastern Band of Cherokee Indians and is currently entering or residing on Tribal lands; and

WHEREAS, Tribal Council has good reason to believe that STEPHANIE NICOLE OGLE is a threat to the law and order on Tribal lands and a threat to the welfare of enrolled members by engaging in certain conduct, an example of which is attached to this Resolution as exhibit A; and

WHEREAS, Tribal Council believes that the threat to this Tribe will diminish if STEPHANIE NICOLE OGLE is not allowed to remain on lands owned by or held in trust for the Eastern Band of Cherokee Indians; and

WHEREAS, on June 6, 2007, STEPHANIE NICOLE OGLE reached an agreement with the Tribe through her attorney Mr. Russell McLean that the Temporary Exclusion order would continue until such time that Tribal Council re-scheduled a hearing for permanent exclusion and provided notice of her hearing for Permanent Exclusion, and

WHEREAS, STEPHANIE NICOLE OGLE has been provided sufficient notice for this hearing.

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 STEPHANIE NICOLE OGLE 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 FURTHER RESOLVED that if STEPHANIE NICOLE OGLE is found on Tribal lands at any time after the effective date of this resolution she shall be in violation of Tribal law and of a lawful order of Tribal Council and a law enforcement officer shall arrest her and take other appropriate legal action against her.

BE IT FURTHER RESOLVED that this exclusion prohibits STEPHANIE NICOLE OGLE from entering

on or being present on Tribal lands for any purpose EXCEPT AS REQUIRED BY A SUBPOENA issued by the Cherokee Tribal Court or an officer of the Tribe with authority to issue subpoenas.

BE IT FINALLY RESOLVED that this resolution shall be effective upon ratification by the Principal Chief.

Submitted by The Office of the Attorney General on behalf of those authorized under Chapter 2 of the Cherokee Code

EASTERN BAND OF CHEROKEE INDIANS



Date and Time of Application

5/31/07 5:10 PM

Tribal Council

EASTERN BAND OF CHEROKEE INDIANS VERSUS

MAY 31 PM 5:43

Name of Individual

Stephanie Nicole Ogle

Non-Member

☐ Yes ☒ No
APPLICATION FOR WRIT OF
TEMPORARY EMERGENCY EXCLUSION

Race

W

Sex

Female

DOB

12/02/1974

Location of Incident

Prime Siroin (PVA)

Date of Incident

05/31/2007

Time of Incident

15:15

CIPD Case Number

0705311515

I, the undersigned, upon information and belief, allege 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, by:

- ☒ [C.C. 14-95.5(a)] Possessing a controlled substance classified in schedule I, II, III, IV, and V, specifically Description of substance (Kind, Quantity)
Possession of Schedule II, III, IV And VI
- ☐ [C.C. 14-95.5(b)] Possessing a controlled substance, specifically more than one-half ounce of marijuana or more than one-twentieth of an ounce of hashish (Aggravated Possession of Marijuana).
- ☐ [C.C. 14-95.5(c)] Possessing a controlled substance, specifically less than one-half ounce of marijuana or less than one-twentieth of an ounce of hashish (Simple Possession of Marijuana). **MUST HAVE AGGRAVATING FACTORS**
- ☐ [C.C. 14-95.6(b)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule I, II, III, IV, and V, specifically Description of substance (Kind, Quantity)
- ☐ [C.C. 14-95.6(c)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule VI.
- ☐ [C.C. 14-95.6(d)] Manufacturing Methamphetamine.
- ☐ [C.C. 14-95.7] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a counterfeit controlled substance.
- ☐ [C.C. 14-95.8(a)] Possessing an immediate precursor chemical with intent to manufacture a controlled substance; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture a controlled substance.
- ☐ [C.C. 14-95.8(b)] Possessing an immediate precursor chemical with intent to manufacture methamphetamine; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture methamphetamine.
- ☐ [C.C. 14-95.8(d)] Possessing a seed or ripened ovule of gymnosperm or angiosperm which can be used to produce any controlled substance
- ☐ [C.C. 14-95.9] ☐ Trafficking in Marijuana ☐ Trafficking in Methaqualone ☐ Trafficking in Cocaine ☐ Trafficking in Methamphetamine/ Amphetamine ☐ Trafficking in Opiate/ Heroin ☐ Trafficking in Lysergic Acid Diethylamide ☐ Trafficking in MDA/MDMA
- ☐ [C.C. 14-95.10] Transporting, carrying, or otherwise causing, assisting, or providing for the importation of controlled substance or immediate precursor chemical into the territory of the Eastern Band of Cherokee Indians
- ☐ [C.C. 14-95.11(c)] Using, possessing with intent to use drug paraphernalia **MUST HAVE AGGRAVATING FACTORS**
- ☐ [C.C. 14-95.11(d)] Delivering, possessing with intent to deliver, or manufacture with intent to deliver drug paraphernalia
- ☐ [C.C. 14-95.11(f)] Advertising drug paraphernalia **MUST HAVE AGGRAVATING FACTORS**

AGGREGATING FACTORS

- ☐ [C.C. 14-95.22] Prior convictions
- ☐ [C.C. 14-95.23(a)] Sale or delivery of controlled substance to person under 16 years of age or a pregnant female
- ☐ [C.C. 14-95.23(b)] Delivery of drug paraphernalia to a person under 16 years of age
- ☐ [C.C. 14-95.23(c)] Purchase or receive controlled substance from minor 16 years of age or younger
- ☐ [C.C. 14-95.23(d)] Offense committed while pregnant
- ☐ [C.C. 14-95.23(e)] Sale or delivery on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(f)] Possess on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(g)] Sale or Delivery in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(h)] Possession in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(i)] Sale or Delivery in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(j)] Possession in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(k)] Possession or Sale or Delivery in the sensory perception or dwelling of a child between 13 and 16.
- ☐ [C.C. 14-95.24] Possession of gun at time of offense

I certify that I am a Law Enforcement Officer with the responsibility of enforcing Cherokee Law, I have read the above statement, and I verify that the facts set forth in this application are true and correct to the best of my knowledge.

Official's Certification

Sworn and Subscribed before me this day.

Date

05/31/2007

Name of Law Enforcement Officer

Norman Reed Jr.

Signature of Law Enforcement Officer

Signature of Designated Official

Date

5/31/07

EASTERN BAND OF CHEROKEE INDIANS

Tribal Council



Writ Application No (if applicable)

5/31/07

5:15p

EASTERN BAND OF CHEROKEE INDIANS VERSUS

Name of Individual

Stephanie Nicole Ogle

Non-Member

☒ Yes

Race

W

Sex

Female

DOB

12/02/1974

**WRIT OF EMERGENCY
TEMPORARY EXCLUSION****FINDINGS**

Location of Incident

Prime Sirloin (PVA)

Date of Incident

05/31/2007

Time of Incident

15:15

CIPD Case Number

0705311515

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
14-95.5	Possession of Schedule II, III, IV, VI

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	6/7/07	Time To Appear	8:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Date Of Order	5/31/07
Place To Appear	Council House Singer Lynn Complex Cherokee, Qualla Boundary (NC)			Signature	Selene Pleasant

RETURN OF SERVICE

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

Date Received	5/31/07	Date of Return	5/31/07	Officer Making Return	Norman Red Jr.
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TC-002, TEMP NEW 6/3/07

© 2007 The Cherokee Court

EASTERN BAND OF CHEROKEE INDIANS

The Cherokee Court



File No. (if any)
CR 07-0760:0765

☐ For Victim ☒ For Accused

IN RE

2007 MAY 31 6:03

AFFIDAVIT OF JURISDICTION

Name and Address of Affiant

Stephanie Nicole Ogle

Name and Address of Accused

Date of the Offense

5/31/07

Victim

Potential Offenses

Poss of Schedule II, III, IV, VI

AFFIDAVIT OF JURISDICTION

1. Are you an enrolled member of any Federally Recognized Tribe?

☐ Yes ☒ No

Which Tribe 1st descendant

INSTRUCTIONS: If the answer to Question No. 1 is Yes then the Affiant is an Indian for the purposes of jurisdiction. If the answer is No, proceed to Question No. 2.

2. Are you a first linear descendant under the laws of the Eastern Band of Cherokee Indians?

☒ Yes ☐ No

INSTRUCTIONS: If the answer to Question No. 2 is Yes then the Affiant is under the jurisdiction of the Cherokee Court. If the answer is No, proceed to Question No. 3.

3. (for Accused Only) Are you a citizen of any country other than the United States of America?

☐ Yes ☒ No

INSTRUCTIONS: If the answer to Question No. 3 is Yes then the Affiant is under the jurisdiction of the Cherokee Court. If the answer is No, proceed to Question No. 5.

4. (If the accused answers No to the preceding questions) If it is determined that you are a non-Indian and therefore not subject to prosecution by the Cherokee Court, you may freely and knowingly waive any objection to jurisdiction of the Cherokee Court. Would you like to do that?

☒ Yes ☐ No

INSTRUCTIONS: If the answer to Question No. 4 is Yes then the Affiant is under the jurisdiction of the Cherokee Court. If the answer is No, proceed to Question No. 5.

5. Do you or your ancestors have any Indian Blood?

☒ Yes ☐ No

INSTRUCTIONS: If the answer to Question No. 5 is No then the Affiant is a Non-Indian for the purposes of jurisdiction. If the answer is Yes, proceed to Question No. 6-9.

6. Have you been provided formally or informally with any assistance that is reserved only for Indians?

☐ Yes ☒ No

Describe:

7. Do you enjoy the benefits of Tribal Affiliation (i.e., First Lineal Descendant, or other special status bestowed by a tribe)?

☒ Yes ☐ No

Describe:

8. Do you live on an Indian Reservation?

☐ Yes ☒ No

Describe:

9. Do you participate in Indian Social Life (i.e., Attend Indian Dinners, Community Meetings, Traditional Ceremonies, or Dance at Pow-Wows)?

☐ Yes ☒ No

Describe:

INSTRUCTIONS: The Magistrate must consider all answers and information provided in response to questions No. 6-9, applying Cherokee Law and Traditions, Treaties, and Acts of the United States Congress and decision of the Courts of the United States to determine whether the Affiant is an Indian for the purposes of Jurisdiction.

DETERMINATION OF JURIDICION

SWORN AND SUBSCRIBED BEFORE ME

Date

5/31/07

Date

5/31/07

Signature

Selene Pheasant

Signature of Affiant

X Stephanie Ogle

Name of Affiant (Type or Print)

X Stephanie Ogle

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court
☐ Notary Public ☒ Magistrate ☐ Judge

INITIAL DETERMINATION

☐ Indian ☒ Non-Indian

Signature of Judicial Official

Selene Pheasant

☐ Judge

☒ Magistrate

Date

5/31/07

EASTERN BAND OF CHEROKEE INDIANS**THE CHEROKEE COURT**

CHEROKEE TRIBAL COURT

CHEROKEE, NC



2007 MAY 31 PM 5:44

WARRANT

Name and Address of the Defendant		Social Security No./ Roll Number:	Date of Birth:
OGLE			
STEPHANIE NICOLE		Sex:	Prior Service (if any):
1280 WATSON HOLLOW CHEROKEE NC 28719		Date Filed:	Date of the Offense:
		5/31/2007	5/31/2007
Complainant: NORMAN REED JR.		BOND INFORMATION	
Location of Residence: CHEROKEE	Complainant Phone No.:	Amount of Bond: \$5,000.00 Unsecured	
Witnesses:		<input type="checkbox"/> No Contact with <input type="checkbox"/> Not to be released until the expiration of 72 hours (DV) <input type="checkbox"/> Pre-trial Supervision <input type="checkbox"/> Not to Possess or Use Firearm or Weapon <input type="checkbox"/> Not to Possess or Consume Alcohol	

To any officer with authority and jurisdiction to execute a warrant for arrest for the offenses(s) charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of the offense shown and within the jurisdiction of the Eastern Band of Cherokee Indians the defendant named above unlawfully and willfully did commit the following offenses:

Case Number	Cherokee Code	Charges
CR 07-0760	14-95.5(c)	Drugs: Simple Possession of Marijuana [effective 4/1/07]
CR 07-0761	14-95.5(a)	Drugs: Possessing a controlled substance classified in schedule I, II, III, IV, and V [effective 4/1/07]
CR 07-0762	14-95.5(a)	Drugs: Possessing a controlled substance classified in schedule I, II, III, IV, and V [effective 4/1/07]

This act(s) was in violation of the law(s) and/or ordinances referred to in this warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the Defendant and bring the Defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature: <i>Silene Pheasant</i>		RETURN OF SERVICE	
Name of Judicial Official: Pheasant		I certify that this Warrant was received and served as follows:	
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Judge	Date Issued: 5/31/2007	Date Sent to PD:	Date Served:
COURT INFORMATION		Date Recieved from PD:	
Location of Court: Cherokee Courthouse Cherokee, Qualla Boundary(NC)		<input type="checkbox"/> By arresting the Defendant and bringing the Defendant before:	
Service Number 07-0472 W		Name of Judicial Official:	
		<input type="checkbox"/> The Warrant WAS NOT Served for the following reason:	
		Signature of Officer making return:	

CR 07-0763	14-95.5(a)	Drugs: Possessing a controlled substance classified in schedule I, II, III, IV, and V [effective 4/1/07]
CR 07-0764	14-95.5(a)	Drugs: Possessing a controlled substance classified in schedule I, II, III, IV, and V [effective 4/1/07]
CR 07-0765	14-95.5(a)	Drugs: Possessing a controlled substance classified in schedule I, II, III, IV, and V [effective 4/1/07]

CHEROKEE COURT

2007 MAY 31 PM 5:44

FBI

This act(s) was in violation of the law(s) and/or ordinances referred to in this warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the Defendant and bring the Defendant before a judicial official without unnecessary delay to answer the charge(s) above.

Signature: <u><i>Selene Pheasant</i></u>		RETURN OF SERVICE		
Name of Judicial Official: <u>Pheasant</u>		I certify that this Warrant was received and served as follows:		
<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Judge	Date Issued: 5/31/2007	Date Sent to PD:	Date Served:	Date Recieved from PD:
COURT INFORMATION		<input type="checkbox"/> By arresting the Defendant and bringing the Defendant before:		
Location of Court: Cherokee Courthouse Cherokee, Qualla Boundary(NC)		Name of Judicial Official:		
Service Number 07-0472		<input type="checkbox"/> The Warrant WAS NOT Served for the following reason:		
W		Signature of Officer making return:		

EASTERN BAND OF CHEROKEE INDIANS**The Cherokee Court**

File No.

CR 07-0760

EASTERN BAND OF CHEROKEE INDIANS VERSUS

Name of Defendant

Stephanie Nicole Ogle

Race

Sex

Female

DOB

12/02/1974**CRIMINAL COMPLAINT
CONTROLLED SUBSTANCES**

Location of Incident

Prime Sirloin (PVA)

Date of Incident

05/31/2007

Time of Incident

15:15

CIPD Case Number

0705311515

I, the undersigned, upon information and belief, allege that on or about the date of offense shown and in the location named above, the defendant named above did unlawfully and willfully violate the laws and ordinances made and provided for the peace and dignity of the Eastern Band of Cherokee Indians by:

- ☐ [C.C. 14-95.5(a)] Possessing a controlled substance classified in schedule I, II, III, IV, and V, specifically
- ☐ [C.C. 14-95.5(b)] Possessing a controlled substance, specifically more than one-half ounce of marijuana or more than one-twentieth of an ounce of hash (Aggravated Possession of Marijuana).
- ☒ [C.C. 14-95.5(c)] Possessing a controlled substance, specifically less than one-half ounce of marijuana or less than one-twentieth of an ounce of hash (Simple Possession of Marijuana).
- ☐ [C.C. 14-95.6(b)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule I, II, III, IV, and V, specifically
- ☐ [C.C. 14-95.6(c)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule VI.
- ☐ [C.C. 14-95.6(d)] Manufacturing Methamphetamine.
- ☐ [C.C. 14-95.7] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a counterfeit controlled substance.
- ☐ [C.C. 14-95.8(a)] Possessing an immediate precursor chemical with intent to manufacture a controlled substance; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture a controlled substance.
- ☐ [C.C. 14-95.8(b)] Possessing an immediate precursor chemical with intent to manufacture methamphetamine; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture methamphetamine.
- ☐ [C.C. 14-95.8(d)] Possessing a seed or ripened ovule of gymnosperm or angiosperm which can be used to produce any controlled substance
- ☐ [C.C. 14-95.9] ☐ Trafficking in Marijuana ☐ Trafficking in Methamphetamine ☐ Trafficking in Cocaine ☐ Trafficking in Methamphetamine/Amphetamine ☐ Trafficking in Opiate/ Heroin ☐ Trafficking in Lysergic Acid Diethylamide ☐ Trafficking in MDA/MDMA
- ☐ [C.C. 14-95.10] Transporting, carrying, or otherwise causing, assisting, or providing for the importation of controlled substance or immediate precursor chemical into the territory of the Eastern Band of Cherokee Indians
- ☐ [C.C. 14-95.11(c)] Using, possessing with intent to use drug paraphernalia
- ☐ [C.C. 14-95.11(d)] Delivering, possessing with intent to deliver, or manufacture with intent to deliver drug paraphernalia
- ☐ [C.C. 14-95.11(f)] Advertising drug paraphernalia

AGGREGATING FACTORS

- ☐ [C.C. 14-95.22] Prior convictions
- ☐ [C.C. 14-95.23(a)] Sale or delivery of controlled substance to person under 16 years of age or a pregnant female
- ☐ [C.C. 14-95.23(b)] Delivery of drug paraphernalia to a person under 16 years of age
- ☐ [C.C. 14-95.23(c)] Purchase or receive controlled substance from minor 16 years of age or younger
- ☐ [C.C. 14-95.23(d)] Offense committed while pregnant
- ☐ [C.C. 14-95.23(e)] Sale or delivery on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(f)] Possess on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(g)] Sale or Delivery in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(h)] Possession in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(i)] Sale or Delivery in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(j)] Possession in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(k)] Possession or Sale or Delivery in the sensory perception or dwelling of a child between 13 and 16.
- ☐ [C.C. 14-95.24] Possession of gun at time of offense

I certify that I have read the above statement and verify that the facts set forth in this complaint are true and correct to the best of my knowledge.

Date
05/31/07

Name of Officer

Norman Reed Jr.

Signature of Officer

Magistrate's Certification

Sworn and Subscribed before me this day.

Signature of Judicial Official

☒ Magistrate
☐ Judge

Date

5/31/07

07-0472

EASTERN BAND OF CHEROKEE INDIANS

File No.

CR 07-0761

The Cherokee Court**EASTERN BAND OF CHEROKEE INDIANS VERSUS**Name of Defendant
Stephanie Nicole Ogle**CRIMINAL COMPLAINT
CONTROLLED SUBSTANCES**Race Sex
FemaleDOB
12/02/1974Location of Incident
Prime Sirloin (PVA)Date of Incident
05/31/2007Time of Incident
15:15CIPD Case Number
0705311515

I, the undersigned, upon information and belief, allege that on or about the date of offense shown and in the location named above, the defendant named above did unlawfully and willfully violate the laws and ordinances made and provided for the peace and dignity of the Eastern Band of Cherokee Indians by:

- ☒ [C.C. 14-95.5(a)] Possessing a controlled substance classified in schedule I, II, III, IV, and V, specifically **Klonopin Schedule IV / 2 Pills**
- ☐ [C.C. 14-95.5(b)] Possessing a controlled substance, specifically more than one-half ounce of marijuana or more than one-twentieth of an ounce of hashish (Aggravated Possession of Marijuana).
- ☐ [C.C. 14-95.5(c)] Possessing a controlled substance, specifically less than one-half ounce of marijuana or less than one-twentieth of an ounce of hashish (Simple Possession of Marijuana).
- ☐ [C.C. 14-95.6(b)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule I, II, III, IV, and V, specifically
- ☐ [C.C. 14-95.6(c)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule VI.
- ☐ [C.C. 14-95.6(d)] Manufacturing Methamphetamine.
- ☐ [C.C. 14-95.7] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a counterfeit controlled substance.
- ☐ [C.C. 14-95.8(a)] Possessing an immediate precursor chemical with intent to manufacture a controlled substance; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture a controlled substance.
- ☐ [C.C. 14-95.8(b)] Possessing an immediate precursor chemical with intent to manufacture methamphetamine; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture methamphetamine.
- ☐ [C.C. 14-95.8(d)] Possessing a seed or ripened ovule of gymnosperm or angiosperm which can be used to produce any controlled substance
- ☐ [C.C. 14-95.9] ☐ Trafficking in Marijuana ☐ Trafficking in Methaqualone ☐ Trafficking in Cocaine ☐ Trafficking in Methamphetamine/Amphetamine ☐ Trafficking in Opiate/ Heroin ☐ Trafficking in Lysergic Acid Diethylamide ☐ Trafficking in MDA/MDMA
- ☐ [C.C. 14-95.10] Transporting, carrying, or otherwise causing, assisting, or providing for the importation of controlled substance or immediate precursor chemical into the territory of the Eastern Band of Cherokee Indians
- ☐ [C.C. 14-95.11(c)] Using, possessing with intent to use drug paraphernalia
- ☐ [C.C. 14-95.11(d)] Delivering, possessing with intent to deliver, or manufacture with intent to deliver drug paraphernalia
- ☐ [C.C. 14-95.11(f)] Advertising drug paraphernalia

AGGREGATING FACTORS

- ☐ [C.C. 14-95.22] Prior convictions
- ☐ [C.C. 14-95.23(a)] Sale or delivery of controlled substance to person under 16 years of age or a pregnant female
- ☐ [C.C. 14-95.23(b)] Delivery of drug paraphernalia to a person under 16 years of age
- ☐ [C.C. 14-95.23(c)] Purchase or receive controlled substance from minor 16 years of age or younger
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- ☐ [C.C. 14-95.23(e)] Sale or delivery on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(f)] Possess on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(g)] Sale or Delivery in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(h)] Possession in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(i)] Sale or Delivery in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(j)] Possession in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(k)] Possession or Sale or Delivery in the sensory perception or dwelling of a child between 13 and 16.
- ☐ [C.C. 14-95.24] Possession of gun at time of offense

I certify that I have read the above statement and verify that the facts set forth in this complaint are true and correct to the best of my knowledge.

Magistrate's Certification

Sworn and Subscribed before me this day.

Date
05/31/07Name of Officer
Norman Reed Jr.

Signature of Officer

Signature of Judicial Official

☒ Magistrate
☐ JudgeDate
5/31/07

EASTERN BAND OF CHEROKEE INDIANS

The Cherokee Court

CHEROKEE COURT



File No.

CR 07-0762

EASTERN BAND OF CHEROKEE INDIANS VERSUS

Name of Defendant

Stephanie Nicole Ogle

207 MAY 31

PM 5:43

CRIMINAL COMPLAINT CONTROLLED SUBSTANCES

Race

Sex

Female

DOB

12/02/1974

Location of Incident

Prime Sirloin (PVA)

Date of Incident

05/31/2007

Time of Incident

15:15

CIPD Case Number

0705311515

I, the undersigned, upon information and belief, allege that on or about the date of offense shown and in the location named above, the defendant named above did unlawfully and willfully violate the laws and ordinances made and provided for the peace and dignity of the Eastern Band of Cherokee Indians by:

- ☒ [C.C. 14-95.5(a)] Possessing a controlled substance classified in schedule I, II, III, IV, and V, specifically Description of substance (Kind, Quantity)
Hydrocodone Schedule III/ 4 Pills
- ☐ [C.C. 14-95.5(b)] Possessing a controlled substance, specifically more than one-half ounce of marijuana or more than one-twentieth of an ounce of hashish (Aggravated Possession of Marijuana).
- ☐ [C.C. 14-95.5(c)] Possessing a controlled substance, specifically less than one-half ounce of marijuana or less than one-twentieth of an ounce of hashish (Simple Possession of Marijuana).
- ☐ [C.C. 14-95.6(b)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule I, II, III, IV, and V, specifically Description of substance (Kind, Quantity)
- ☐ [C.C. 14-95.6(c)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule VI.
- ☐ [C.C. 14-95.6(d)] Manufacturing Methamphetamine.
- ☐ [C.C. 14-95.7] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a counterfeit controlled substance.
- ☐ [C.C. 14-95.8(a)] Possessing an immediate precursor chemical with intent to manufacture a controlled substance; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture a controlled substance.
- ☐ [C.C. 14-95.8(b)] Possessing an immediate precursor chemical with intent to manufacture methamphetamine; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture methamphetamine.
- ☐ [C.C. 14-95.8(d)] Possessing a seed or ripened ovule of gymnosperm or angiosperm which can be used to produce any controlled substance
- ☐ [C.C. 14-95.9] ☐ Trafficking in Marijuana ☐ Trafficking in Methaqualone ☐ Trafficking in Cocaine ☐ Trafficking in Methamphetamine/Amphetamine ☐ Trafficking in Opiate/ Heroin ☐ Trafficking in Lysergic Acid Diethylamide ☐ Trafficking in MDA/MDMA
- ☐ [C.C. 14-95.10] Transporting, carrying, or otherwise causing, assisting, or providing for the importation of controlled substance or immediate precursor chemical into the territory of the Eastern Band of Cherokee Indians
- ☐ [C.C. 14-95.11(c)] Using, possessing with intent to use drug paraphernalia
- ☐ [C.C. 14-95.11(d)] Delivering, possessing with intent to deliver, or manufacture with intent to deliver drug paraphernalia
- ☐ [C.C. 14-95.11(f)] Advertising drug paraphernalia

AGGREGATING FACTORS

- ☐ [C.C. 14-95.22] Prior convictions
- ☐ [C.C. 14-95.23(a)] Sale or delivery of controlled substance to person under 16 years of age or a pregnant female
- ☐ [C.C. 14-95.23(b)] Delivery of drug paraphernalia to a person under 16 years of age
- ☐ [C.C. 14-95.23(c)] Purchase or receive controlled substance from minor 16 years of age or younger
- ☐ [C.C. 14-95.23(d)] Offense committed while pregnant
- ☐ [C.C. 14-95.23(e)] Sale or delivery on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(f)] Possess on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(g)] Sale or Delivery in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(h)] Possession in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(i)] Sale or Delivery in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(j)] Possession in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(k)] Possession or Sale or Delivery in the sensory perception or dwelling of a child between 13 and 16.
- ☐ [C.C. 14-95.24] Possession of gun at time of offense

I certify that I have read the above statement and verify that the facts set forth in this complaint are true and correct to the best of my knowledge.

Date
05/31/07

Name of Officer

Norman Reed Jr.

Signature of Officer

Norman Reed Jr.

Magistrate's Certification

Sworn and Subscribed before me this day.

Signature of Judicial Official

Selene Pearson

☒ Magistrate
☐ Judge

Date

5/31/07

EASTERN BAND OF CHEROKEE INDIANS



File No.

CR 07-0763

The Cherokee Court

EASTERN BAND OF CHEROKEE INDIANS VERSUS

2007 MAY 31 PM 5:43

Name of Defendant

Stephanie Nicole Ogle

CRIMINAL COMPLAINT CONTROLLED SUBSTANCES

Race

Sex

DOB

Female

12/02/1974

Location of Incident

Prime Sirloin (PVA)

Date of Incident

05/31/2007

Time of Incident

15:15

CIPD Case Number

0705311515

I, the undersigned, upon information and belief, allege that on or about the date of offense shown and in the location named above, the defendant named above did unlawfully and willfully violate the laws and ordinances made and provided for the peace and dignity of the Eastern Band of Cherokee Indians by:

- ☒ [C.C. 14-95.5(a)] Possessing a controlled substance classified in schedule I, II, III, IV, and V, specifically **Prolazepam/ Schedule IV 3 1/4 pills**
- ☐ [C.C. 14-95.5(b)] Possessing a controlled substance, specifically more than one-half ounce of marijuana or more than one-twentieth of an ounce of hashish (Aggravated Possession of Marijuana).
- ☐ [C.C. 14-95.5(c)] Possessing a controlled substance, specifically less than one-half ounce of marijuana or less than one-twentieth of an ounce of hashish (Simple Possession of Marijuana).
- ☐ [C.C. 14-95.6(b)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule I, II, III, IV, and V, specifically **Description of substance (Kind, Quantity)**
- ☐ [C.C. 14-95.6(c)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule VI.
- ☐ [C.C. 14-95.6(d)] Manufacturing Methamphetamine.
- ☐ [C.C. 14-95.7] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a counterfeit controlled substance.
- ☐ [C.C. 14-95.8(a)] Possessing an immediate precursor chemical with intent to manufacture a controlled substance; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture a controlled substance.
- ☐ [C.C. 14-95.8(b)] Possessing an immediate precursor chemical with intent to manufacture methamphetamine; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture methamphetamine.
- ☐ [C.C. 14-95.8(d)] Possessing a seed or ripened ovule of gymnosperm or angiosperm which can be used to produce any controlled substance
- ☐ [C.C. 14-95.9] ☐ Trafficking in Marijuana ☐ Trafficking in Methaqualone ☐ Trafficking in Cocaine ☐ Trafficking in Methamphetamine/ Amphetamine ☐ Trafficking in Opiate/ Heroin ☐ Trafficking in Lysergic Acid Diethylamide ☐ Trafficking in MDA/MDMA
- ☐ [C.C. 14-95.10] Transporting, carrying, or otherwise causing, assisting, or providing for the importation of controlled substance or immediate precursor chemical into the territory of the Eastern Band of Cherokee Indians
- ☐ [C.C. 14-95.11(c)] Using, possessing with intent to use drug paraphernalia
- ☐ [C.C. 14-95.11(d)] Delivering, possessing with intent to deliver, or manufacture with intent to deliver drug paraphernalia
- ☐ [C.C. 14-95.11(f)] Advertising drug paraphernalia

AGGREGATING FACTORS

- ☐ [C.C. 14-95.22] Prior convictions
- ☐ [C.C. 14-95.23(a)] Sale or delivery of controlled substance to person under 16 years of age or a pregnant female
- ☐ [C.C. 14-95.23(b)] Delivery of drug paraphernalia to a person under 16 years of age
- ☐ [C.C. 14-95.23(c)] Purchase or receive controlled substance from minor 16 years of age or younger
- ☐ [C.C. 14-95.23(d)] Offense committed while pregnant
- ☐ [C.C. 14-95.23(e)] Sale or delivery on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(f)] Possess on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(g)] Sale or Delivery in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(h)] Possession in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(i)] Sale or Delivery in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(j)] Possession in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(k)] Possession or Sale or Delivery in the sensory perception or dwelling of a child between 13 and 16.
- ☐ [C.C. 14-95.24] Possession of gun at time of offense

I certify that I have read the above statement and verify that the facts set forth in this complaint are true and correct to the best of my knowledge.

Date 05/31/07	Name of Officer Norman Reed Jr.	Signature of Officer <i>Norman Reed Jr.</i>	Signature of Judicial Official <i>Shirley Pearson</i>	Magistrate's Certification Sworn and Subscribed before me this day. <input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Judge	Date 5/31/07
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EASTERN BAND OF CHEROKEE INDIANS



File No.

CR 07-0764

The Cherokee Court

EASTERN BAND OF CHEROKEE INDIANS VERSUS

Name of Defendant

Stephanie Nicole Ogle

Race

Sex

Female

DOB

12/02/1974

Location of Incident

Prime Sirloin (PVA)

Date of Incident

05/31/2007

Time of Incident

15:15

CIPD Case Number

0705311515

I, the undersigned, upon information and belief, allege that on or about the date of offense shown and in the location named above, the defendant named above did unlawfully and willfully violate the laws and ordinances made and provided for the peace and dignity of the Eastern Band of Cherokee Indians by:

- ☒ [C.C. 14-95.5(a)] Possessing a controlled substance classified in schedule I, II, III, IV, and V, specifically Description of substance (Kind, Quantity)
Oxycodone Schedule II / 5 Pills Endocet
- ☐ [C.C. 14-95.5(b)] Possessing a controlled substance, specifically more than one-half ounce of marijuana or more than one-twentieth of an ounce of hashish (Aggravated Possession of Marijuana).
- ☐ [C.C. 14-95.5(c)] Possessing a controlled substance, specifically less than one-half ounce of marijuana or less than one-twentieth of an ounce of hashish (Simple Possession of Marijuana).
- ☐ [C.C. 14-95.6(b)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule I, II, III, IV, and V, specifically Description of substance (Kind, Quantity)
- ☐ [C.C. 14-95.6(c)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule VI.
- ☐ [C.C. 14-95.6(d)] Manufacturing Methamphetamine.
- ☐ [C.C. 14-95.7] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a counterfeit controlled substance.
- ☐ [C.C. 14-95.8(a)] Possessing an immediate precursor chemical with intent to manufacture a controlled substance; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture a controlled substance.
- ☐ [C.C. 14-95.8(b)] Possessing an immediate precursor chemical with intent to manufacture methamphetamine; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture methamphetamine.
- ☐ [C.C. 14-95.8(d)] Possessing a seed or ripened ovule of gymnosperm or angiosperm which can be used to produce any controlled substance
- ☐ [C.C. 14-95.9] ☐ Trafficking in Marijuana ☐ Trafficking in Methaqualone ☐ Trafficking in Cocaine ☐ Trafficking in Methamphetamine/ Amphetamine ☐ Trafficking in Opiate/ Heroin ☐ Trafficking in Lysergic Acid Diethylamide ☐ Trafficking in MDA/MDMA
- ☐ [C.C. 14-95.10] Transporting, carrying, or otherwise causing, assisting, or providing for the importation of controlled substance or immediate precursor chemical into the territory of the Eastern Band of Cherokee Indians
- ☐ [C.C. 14-95.11(c)] Using, possessing with intent to use drug paraphernalia
- ☐ [C.C. 14-95.11(d)] Delivering, possessing with intent to deliver, or manufacture with intent to deliver drug paraphernalia
- ☐ [C.C. 14-95.11(f)] Advertising drug paraphernalia

AGGREGATING FACTORS

- ☐ [C.C. 14-95.22] Prior convictions
- ☐ [C.C. 14-95.23(a)] Sale or delivery of controlled substance to person under 16 years of age or a pregnant female
- ☐ [C.C. 14-95.23(b)] Delivery of drug paraphernalia to a person under 16 years of age
- ☐ [C.C. 14-95.23(c)] Purchase or receive controlled substance from minor 16 years of age or younger
- ☐ [C.C. 14-95.23(d)] Offense committed while pregnant
- ☐ [C.C. 14-95.23(e)] Sale or delivery on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(f)] Possess on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(g)] Sale or Delivery in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(h)] Possession in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(i)] Sale or Delivery in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(j)] Possession in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(k)] Possession or Sale or Delivery in the sensory perception or dwelling of a child between 13 and 16.
- ☐ [C.C. 14-95.24] Possession of gun at time of offense

I certify that I have read the above statement and verify that the facts set forth in this complaint are true and correct to the best of my knowledge.

Date

05/31/07

Name of Officer

Norman Reed Jr.

Signature of Officer

Magistrate's Certification

Sworn and Subscribed before me this day.

Signature of Judicial Official

☒ Magistrate
☐ Judge

Date

5/31/07

EASTERN BAND OF CHEROKEE INDIANS



File No.

CR 07-0765

The Cherokee Court

EASTERN BAND OF CHEROKEE INDIANS VERSUS

Name of Defendant

Stephanie Nicole Ogle

Race

Sex

Female

DOB

12/02/1974

CRIMINAL COMPLAINT CONTROLLED SUBSTANCES

Location of Incident

Prime Sirloin (PVA)

Date of Incident

05/31/2007

Time of Incident

15:15

CIPD Case Number

0705311515

I, the undersigned, upon information and belief, allege that on or about the date of offense shown and in the location named above, the defendant named above did unlawfully and willfully violate the laws and ordinances made and provided for the peace and dignity of the Eastern Band of Cherokee Indians by:

- ☒ [C.C. 14-95.5(a)] Possessing a controlled substance classified in schedule I, II, III, IV, and V, specifically Description of substance (Kind, Quantity)
Oxycodone Schedule II / 22 Pills
- ☐ [C.C. 14-95.5(b)] Possessing a controlled substance, specifically more than one-half ounce of marijuana or more than one-twentieth of an ounce of hashish (Aggravated Possession of Marijuana).
- ☐ [C.C. 14-95.5(c)] Possessing a controlled substance, specifically less than one-half ounce of marijuana or less than one-twentieth of an ounce of hashish (Simple Possession of Marijuana).
- ☐ [C.C. 14-95.6(b)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule I, II, III, IV, and V, specifically Description of substance (Kind, Quantity)
- ☐ [C.C. 14-95.6(c)] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a controlled substance classified in schedule VI.
- ☐ [C.C. 14-95.6(d)] Manufacturing Methamphetamine.
- ☐ [C.C. 14-95.7] ☐ Manufacturing ☐ Selling or delivering ☐ Possessing with intent to sell or deliver a counterfeit controlled substance.
- ☐ [C.C. 14-95.8(a)] Possessing an immediate precursor chemical with intent to manufacture a controlled substance; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture a controlled substance.
- ☐ [C.C. 14-95.8(b)] Possessing an immediate precursor chemical with intent to manufacture methamphetamine; or possess or distribute an immediate precursor chemical knowing or having a reasonable cause, to believe that the immediate precursor chemical will be used to manufacture methamphetamine.
- ☐ [C.C. 14-95.8(d)] Possessing a seed or ripened ovule of gymnosperm or angiosperm which can be used to produce any controlled substance
- ☐ [C.C. 14-95.9] ☐ Trafficking in Marijuana ☐ Trafficking in Methaqualone ☐ Trafficking in Cocaine ☐ Trafficking in Methamphetamine/Amphetamine ☐ Trafficking in Opiate/ Heroin ☐ Trafficking in Lysergic Acid Diethylamide ☐ Trafficking in MDA/MDMA
- ☐ [C.C. 14-95.10] Transporting, carrying, or otherwise causing, assisting, or providing for the importation of controlled substance or immediate precursor chemical into the territory of the Eastern Band of Cherokee Indians
- ☐ [C.C. 14-95.11(c)] Using, possessing with intent to use drug paraphernalia
- ☐ [C.C. 14-95.11(d)] Delivering, possessing with intent to deliver, or manufacture with intent to deliver drug paraphernalia
- ☐ [C.C. 14-95.11(f)] Advertising drug paraphernalia

AGGREGATING FACTORS

- ☐ [C.C. 14-95.22] Prior convictions
- ☐ [C.C. 14-95.23(a)] Sale or delivery of controlled substance to person under 16 years of age or a pregnant female
- ☐ [C.C. 14-95.23(b)] Delivery of drug paraphernalia to a person under 16 years of age
- ☐ [C.C. 14-95.23(c)] Purchase or receive controlled substance from minor 16 years of age or younger
- ☐ [C.C. 14-95.23(d)] Offense committed while pregnant
- ☐ [C.C. 14-95.23(e)] Sale or delivery on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(f)] Possess on property used for a school, day care center, playground, or community building or within 300 feet of the boundary of real property used for a school, day care center, playground, or community building
- ☐ [C.C. 14-95.23(g)] Sale or Delivery in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(h)] Possession in the primary residence of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(i)] Sale or Delivery in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(j)] Possession in the sensory perception of a child 13 years of age or younger
- ☐ [C.C. 14-95.23(k)] Possession or Sale or Delivery in the sensory perception or dwelling of a child between 13 and 16.
- ☐ [C.C. 14-95.24] Possession of gun at time of offense

I certify that I have read the above statement and verify that the facts set forth in this complaint are true and correct to the best of my knowledge.

Date
05/31/07

Name of Officer
Norman Reed Jr.

Signature of Officer

Norman Reed Jr.

Magistrate's Certification

Sworn and Subscribed before me this day.

Signature of Judicial Official

Delene Pearson

☒ Magistrate
☐ Judge

Date

5/31/07

EASTERN BAND OF CHEROKEE INDIANS



Tribal Council

2007 IDENTIFYING INFORMATION ABOUT EXCLUDED INDIVIDUAL

Writ Application No (if applicable)

Date Issued (If applicable)

Designated Official (If applicable)

5/3/07

5:15p

Shelene Chavers

INFORMATION ABOUT INDIVIDUAL

Name of Individual

Stephanie Nicole Ogle

Street Address of Individual (No P.O. Box)

1280 Watson Hollow

City

Bryson City

State

NC

Zip

28713

Date of Birth

12/02/1974

Race:

☐ American Indian (Tribe _____)

☒ White ☐ Black ☐ Asian/ Pacific Islander ☐ Other

Sex:

☐ Male

☒ Female

Height

5-10

Weight

125

Hair Color

Brown

Eye Color

Brown

Identifying Marks (List any marks, scars, tattoos)

Does the Individual have a driver's license or state-issued card from any state? ☒ Yes ☐ No

If yes, provide the state and number if possible: State NC Number: 8570308

Vehicle Description and License Plate Number:

Social Security Number of Individual

246-45-5740

Telephone Number of Individual

736-9684

Is there any reason that a law enforcement officer should consider the individual a potential threat (i.e., carries concealed weapons while drinking alcohol, has threatened an officer etc.)? ☐ Yes ☒ No

If yes, specify the circumstances:

COUNCIL PROCEEDINGS

Hearing Date

Result of Hearing

Signature

**CHEROKEE INDIAN POLICE
DEPARTMENT
DRUG ENFORCEMENT**

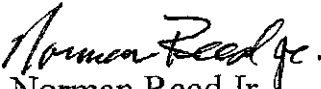
5-31-07

Stephanie Ogle

Controlled substance

1. On the above date I received a call from a confidential source that has proven credible and reliable in the past for the Cherokee Drug Enforcement Unit by providing information on illegal controlled substances. This information has led to numerous arrest in the past and has resulted in substantial amounts of illegal controlled substances that have been seized by the Cherokee Drug Enforcement Unit.
2. The confidential source stated that a female suspect by the name of Stephanie Ogle was at the Prime Sirloin parking lot selling pills. The confidential source then stated that the suspect was in a gold or brown Kia tag number TZZ-9069. I then hang up to immediately call Drug Enforcement Officer John West to assist.
3. I relay the information on Stephanie Ogle to Drug Enforcement Officer J. West and advise him to immediately move to the area of the Prime Sirloin to see if he can get a visual on the suspect and to confirm that the suspect is there.
4. Drug Enforcement Officer J. West calls back advises he has a visual on the suspect sitting in her vehicle and that there are a lot of people moving around the vehicle area, I then advise Drug Enforcement Officer J. West to move in and detain everyone at the scene for a Terry Stop, being that we received the drug information, we went to the exact area to confirm, and that people were moving around the vehicle acting suspicious as if a crime was being committed.

5. As Drug Enforcement Officer J. West did this I was heading to the suspect's location. Upon arrival the suspect was sitting in the drivers seat of a brown or gold Kia and her name was Stephanie Ogle.
6. I then asked Stephanie Ogle if she would step from the vehicle for a moment I wanted to ask her some questions, she then advised ok and she stepped out of the vehicle.
7. I then ask Stephanie Ogle if she had any kind of prescriptions for controlled substances, meaning controlled substances only prescribed by a licensed physician, and she said yes.
8. I then asked her where they were meaning the prescription medicine, and she said that they are in my purse on the front seat of my car. I then asked Stephanie if she minded if I retrieved the purse for her from the vehicle and she said ok.
9. When I got the purse from the vehicle there were more than one bottles of pills in her purse, some of the pills were mixed with others in the same bottle and I advised her that this was a violation and that she was supposed to have the right pills in the right bottle with the correct labels on the bottles.
10. One bottle had no label on it, brown pill bottle with a white lid containing 22 yellow and white capsules. I asked her where the label was for this bottle and did she have a prescription for it, she advised no that the pills belonged to her aunt. I then asked her why did she have them in her purse and she stated that she was just carrying them for her but her aunt was not with her. I later identified these 22 yellow and white capsules by calling the poison control center and giving a detailed description of them, they were identified as schedule II oxycodone.
11. I then place the suspect Stephanie Ogle under arrest for possession of a controlled substance and brought her before a Tribal Magistrate by which she submitted jurisdiction of the Tribe.


Norman Reed Jr.
Drug Enforcement

(Field Notes)

5/31/07

Drug Investigation - Stephanie Olgle

(2:10 pm.)

Received a call from a confidential source that stated they saw Stephanie Olgle selling pills in the parking lot of the Prime Sirlain. I then tell the source to call back so I can notify Drug Enforcement officer John West to assist.

(2:20 pm)

Confidential Source calls back and states the suspect Stephanie Olgle is in a gold or brown color Kia, tag # TZZ-9069.

(2:25 pm)

Call Drug Enforcement officer J. West back, I advise J. West to get to area to confirm suspect is there in parking lot.

(2:38 pm)

Drug Enforcement officer J. West has visual on suspect, advises he sees people around suspect vehicle, I advise Drug Enforcement officer J. West to move in, conduct Terry stop, I'm on the way to assist.

N. Reed Jr.

070531/5B

Stephanie Ogle

✓ Schedule II (yellow & white)
22 Oxycodone

✓ Schedule IV (Green)
3 & 1/4 Prolozepam

Schedule III (white oval)
4 Hydrocodone

✓ Schedule II (yellow oval)
5 Oxycodone

Schedule IV (white round)
Kolonopin 2

EASTERN BAND OF CHEROKEE INDIANS
TRIBAL COUNCIL

NOTICE OF HEARING

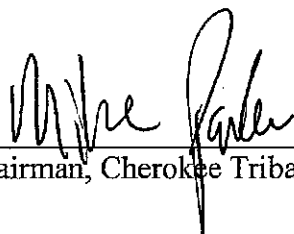
To: Stephanie Nicole Ogle

You are hereby notified that a hearing will be held on February 7, 2008 at 11:00 a.m. in the Tribal Council House, located on the Qualla Boundary at 88 Council House Loop, Cherokee, North Carolina, to determine whether you should be **permanently excluded** from the trust lands of the Eastern Band of Cherokee Indians. You are currently temporarily excluded from the trust lands of the Eastern Band of Cherokee Indians. Exclusion proceedings are conducted pursuant to Chapter Two of the Cherokee Code. A copy of Chapter Two is enclosed for your reference.

The Eastern Band is considering excluding you from Cherokee trust lands for the reasons provided in the enclosed resolution. The resolution will be presented to the Tribal Council at the hearing, at which time the Tribal Council will vote to determine if you should be excluded.

As the person named in the resolution, you have the right to appear in person before the Tribal Council at the hearing, to be represented by legal counsel, to testify under oath, to subpoena witnesses and to confront or question witnesses.

This the 18th day of January, 2008.



Chairman, Cherokee Tribal Council

RETURN OF SERVICE

I certify that this Notice of Exclusion was received and served as follows:

Name of Person Served: **Stephanie Nicole Ogle via certified letter to Russell L. McLean, III.**

Date Received: _____ Date Served: 1-18-08

Method of Service: _____ Personal _____ Registered mail X Served on incumbent's attorney via Certified Mail dated 1-18-08

If not served, give reason: _____

Date: January 18, 2008 Served by: Hannah Smith, Interim Attorney General

Chapter 2 EXCLUSION POWERS OF TRIBE*

***Cross references:** Civil procedure, ch. 1; exclusion or rejection of individuals for Tribal gaming, § 16-9.01 et seq.; enrollment, ch. 49; Tribal government, ch. 117.

Sec. 2-1. Power to exclude.

Sec. 2-2. Tribal Council proceedings.

Sec. 2-3. Notice and legal defense rights.

Sec. 2-4. Terms of exclusion.

Sec. 2-5. Votes required for exclusion.

Sec. 2-6. Enrolled members: permanent exclusion.

Sec. 2-7. Request for exclusion action.

Sec. 2-8. List of convictions for which exclusion is a punishment.

Sec. 2-9. Emergency temporary exclusion.

Sec. 2-1. Power to exclude.

- (a) The Tribal Council shall have the power to exclude enrolled Tribal members for sexual offenses against minors and for convictions for trafficking in controlled substance under Chapter 14 of the Cherokee Code. Tribal Council shall also have the authority to exclude enrolled Tribal members for violations of state and federal law where such offenses would constitute trafficking in controlled substance under the Cherokee Code if committed within the territory of the Eastern Band of Cherokee Indians.
- (b) The Tribal Council shall have the power to exclude other persons from Cherokee trust lands when necessary to protect the integrity and law and order on Tribal lands and territory or the welfare of its members.
- (c) The Tribal Council shall have the power to exclude from or prohibit operation of a business on Cherokee trust lands or specific locations thereon, if the business threatens the health, safety or welfare of Tribal members or Tribal natural resources due to spills, accidents, illegal dumping, or other unauthorized releases of hazardous materials into the environment.

Notwithstanding any other provision of law, the Tribe reserves its sovereign immunity and shall not be liable for claims of loss, damage or injury resulting from exclusions.

(Ord. No. 92, 5-5-1994; Ord. No. 271, 7-24-1996; Ord. No. 630, 2-1-2007; Ord. No. 589, Art. III, 2-8-2007)

Sec. 2-2. Tribal Council proceedings.

The Tribal Council shall exercise its power to exclude persons from Cherokee trust lands only in open session of the Council. Nothing in this section shall prohibit the issuance of Writs of Emergency Temporary Exclusion under 2-9 or the exclusion of persons under 2-3(f).

(Ord. No. 92, 5-5-1994; Ord. No. 589, Art. III, 2-8-2007)

Sec. 2-3. Notice and legal defense rights.

- (a) The Tribal Council shall provide reasonable notice to all persons over whom it exercises the power of exclusion, together with hearing before the Tribal Council.
- (b) The Tribal Council shall provide not less than ten calendar days written notice to such persons prior to hearing. For good cause shown, the Council can waive the ten-day period and exclude immediately.
- (c) Such persons shall be provided with a written statement of the grounds for the proposed exclusion at the same time notice of the hearing is served upon them.
- (d) Such persons shall have the right to appear in person before the Tribal Council, to be represented by legal counsel before the Tribal Council, to require all testimony to be under oath at such hearing, to subpoena witnesses in their behalf for such hearing, to confront or question witnesses bringing exclusion actions against them to the Tribal Council or testifying against them in such hearing.
- (e) Notice of exclusion hearings shall specify the duration of exclusion proposed for each individual.
- (f) Any person convicted of trafficking in controlled substance under Chapter 14 of the Cherokee Code shall not be allowed to enter the territory of the Eastern Band of Cherokee Indians until a hearing on exclusion is held by the Tribal Council. Such hearing shall, if possible, be held prior to their release from custody.

(Ord. No. 92, 5-5-1994; Ord. No. 271, 7-24-1996; Ord. No. 589, Art. III, 2-8-2007)

Sec. 2-4. Terms of exclusion.

The Tribal Council may exclude persons from Cherokee trust lands for limited periods of time, indefinite periods of time or permanently.

(Ord. No. 92, 5-5-1994)

Sec. 2-5. Votes required for exclusion.

- (a) Exclusion of any person from Cherokee trust lands for a limited period of time not exceeding 90 days shall require a majority vote of the entire Tribal Council.
- (b) Exclusion of any person from Cherokee trust lands for more than 90 days or for an indefinite period of time shall require a two-thirds vote of the entire Tribal Council.
- (c) Permanent exclusion of any person from Cherokee trust lands shall require a three-fourths vote of the entire Tribal Council.
- (d) In this section, "a vote of the entire Tribal Council" means that the vote shall be calculated in the proportion of the number of Tribal Council members present at the exclusion hearing; provided, however, that not all Tribal Council members have to be present or vote at the hearing to satisfy this section, so long as not fewer than seven Council members are present and voting.

(Ord. No. 92, 5-5-1994; Ord. No. 530, 1-6-2005)

Sec. 2-6. Enrolled members; permanent exclusion.

If an enrolled Tribal member is permanently excluded from Cherokee trust lands, then the member's name shall be removed from the membership roll of the Tribe, and all privileges pertaining thereto shall immediately be suspended indefinitely. The removal of the person's name from the roll shall be submitted to the Superintendent of the Eastern Cherokee Agency for approval by the Secretary of the Interior or his authorized representative.

(Ord. No. 271, 7-24-1996)

Sec. 2-7. Request for exclusion action.

The persons with standing to bring a request to the Tribal Council for an exclusion action against a person who is subject to this Chapter are:

- (1) The Principal Chief.
- (2) The Vice Chief.
- (3) Members of the Tribal Council.
- (4) The Chief of the Cherokee Police Department.
- (5) The Tribal Prosecutor.

(Ord. No. 271, 7-24-1996; Ord. No. 757, 5-16-2001; Ord. No. 589, Art. III, 2-8-2007)

Sec. 2-8. List of convictions for which exclusion is a punishment.

The Clerk of Cherokee Court shall semiannually provide Tribal Council with a list of all persons convicted of crimes during the preceding six months in which banishment is provided by statute. The list shall be transmitted no later than January 31, 2007 and every six months thereafter. The initial list shall include all persons convicted since April 1, 2000.

(Ord. No. 589, Art. III, 2-8-2007)

Sec. 2-9. Emergency temporary exclusion.

(a) *Definitions.* For the purpose of this section the following definitions shall apply:

- (1) *Officer:* A sworn law enforcement officer of the Cherokee Police Department or any other law enforcement officer with the responsibility of enforcing Cherokee Law under authority of this code or a mutual aid agreement.
- (2) *Cherokee Officer:* A sworn law enforcement officer of the Cherokee Police Department only.
- (3) *Drug Offense:* Any act which would violate the provisions of Article XVI of Chapter 14 of the Cherokee Code committed within the territorial jurisdiction of the Eastern Band of Cherokee Indians, whether or not the Cherokee Court has jurisdiction over the individual committing the offense. Considering all appropriate aggravating factors which may be present, the term "Drug Offense" shall not include any act which would be punished as a class D offense under Cherokee law.
- (4) *Non-member:* Any person not officially enrolled as a tribal member in the Eastern

Band of Cherokee Indians

- (5) *Designated Official*: An individual designated by Cherokee Law to enforce the provisions of this section by issuing Writs of Emergency Temporary Exclusion. Any magistrate of the Cherokee Court shall be a designated official for the purposes of this Chapter.
 - (6) *Writ of Emergency Temporary Exclusion (Writ)*: A legally binding order issued by the designated official exercising the power of exclusion of Tribal Council excluding a non-member from the Cherokee Trust lands. The Writ shall clearly state on its face the date, time and location of the next scheduled Tribal Council session. Unless renewed by a vote of the Tribal Council in open council, the Writ shall expire at the end of the next regularly scheduled Tribal Council meeting following its issuance.
- (b) When a Law Enforcement Officer has probable cause to believe that a non-member has committed a Drug Offense, the officer shall bring the non-member before the designated official without unnecessary delay to determine whether a Writ of Emergency Temporary Exclusion is necessary to protect the integrity and law and order on Tribal lands and territory or the welfare of its members. The commission of any Drug Offense by a non-member shall constitute a per se threat to the integrity and law and order on Tribal lands and territory or the welfare of its members.
 - (c) The officer shall complete a sworn, written application for Writ of Emergency Temporary Exclusion. The application shall contain a written statement of the essential facts constituting the Drug Offense. If the application establishes probable cause to believe that a Drug Offense has been committed by a non-member, the designated official must issue Writ of Emergency Temporary Exclusion. Without exception, a copy of the application and Writ and any appropriate information considered by the Designated Official shall be transmitted to the English Clerk of Tribal Council no later than the beginning of the next scheduled Tribal council or 72 hours after the application was considered, whichever is sooner.
 - (d) Any Cherokee Officer shall be authorized to execute a Writ of Emergency Temporary Exclusion upon a named non-member. The Cherokee Officer shall execute the Writ by serving a copy of the Writ and application upon the non-member and transporting the non-member to any location outside the territorial jurisdiction of the Eastern Band of Cherokee Indians.
 - (e) The issuance and execution of a Writ of Emergency Temporary Exclusion shall be independent of any criminal charges filed against the non-member in Cherokee Court or any other jurisdiction.
 - (f) Regardless of whether a writ is issued, the non-member shall be given notice of the next scheduled meeting of Tribal Council and the application and writ shall be placed upon the agenda. A decision by the Designated Official regarding probable cause shall not be binding on Tribal Council and hearing before Council shall require a de novo review of all appropriate facts and determinations. If no Writ is issued upon application, the Tribal Council may review the facts and hold a proceeding for non-emergency exclusion. At the designated meeting or any subsequent scheduled meeting, Tribal Council may renew the Writ until the next scheduled session, complete the process of formal exclusion under this chapter, or decline to take further action.

- (g) The requirements of Cherokee Code Sections 2-2, 2-3, 2-4, 2-5, and 2-7 shall not apply to Writs of Temporary Emergency Exclusion issued under this section, but shall apply to all subsequent proceedings before Council.

(Ord. No. 589, Art. III, 2-8-2007)

The attached Resolution/Ordinance No. 192 dated February 7, 2008 was:

PASSED (X)

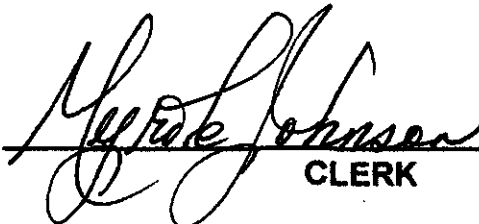
KILLED ()

and ratified in open Council on February 7, 2008 by 93 voting for the act
and 0 members voting against it as follows:


VOTE	FOR	AGAINST	ABSTAIN	ABSENT	TABLE
Stephen Watty	X				
Perry Shell	X				
Jim Owle	X				
Mike Parker	X				
David Wolfe				X	
Alan Ensley	X				
Butch Goings	X				
Angie Kephart	X				
Abe Wachacha	X				
Susan Toineeta	X				
Marie Junaluska	X				
Tommye Saunooke	X				
TOTAL	93	0	0	7	0



TRIBAL COUNCIL CHAIRMAN



CLERK



PRINCIPAL CHIEF

APPROVED (✓)

VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 2/12/08

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 ()