

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: MAY 31 2022

RESOLUTION NO. 298 (2022)

A resolution to exclude David Perry March from the lands of the Eastern Band of Cherokee Indians.

WHEREAS, the Eastern Band of Cherokee Indians (“EBCI” or “Tribe”) 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, the power to exclude is an inherent and essential part of Tribal sovereignty that is indispensable to the Tribe's autonomy and self-governance; and

WHEREAS, DAVID PERRY MARCH (date of birth 07/25/1985) is not a member of the Eastern Band of Cherokee Indians, and has been found to be on tribal trust lands while allegedly committing a drug crime; and

WHEREAS, on May 2, 2022, DAVID PERRY MARCH was arrested at 131 Casino Drive and alleged to be in possession of heroin, a Schedule I Controlled Substance, and was taken to the Jackson County Detention Center and charged with Felony Possession of a Schedule I Controlled Substance, in violation of Tribal and State law; and

WHEREAS, DAVID PERRY MARCH has faced numerous charges (including drug charges) in several jurisdictions as an adult person; and

WHEREAS, DAVID PERRY MARCH was taken before a Cherokee Court Magistrate on May 2, 2022, and a Writ of Emergency Temporary Exclusion was issued and served on him, and he was scheduled a date to appear before Tribal Council; and

WHEREAS, due to the nature of these charges, the Tribal Council has good reason to believe that DAVID PERRY MARCH is a threat to the integrity, law and order of EBCI lands and the welfare of the members of the Tribe.

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, DAVID PERRY MARCH is hereby permanently excluded from all Tribal lands and is hereby notified and ordered to vacate all tribal lands.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits DAVID PERRY MARCH from entering on or being present on Tribal lands for any purpose except as required by Tribal Council or Tribal Court.

BE IT FURTHER RESOLVED that if DAVID PERRY MARCH is found improperly on Tribal lands at any time after the effective date of this resolution he shall be treated as a trespasser and appropriate legal action shall be taken against him.

BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by the Chief of Police of the Cherokee Indian Police Department pursuant to Cherokee Code Chapter 2.

The attached Resolution/Ordinance No. 298 dated MAY 31, 2022 was:

PASSED (X)

KILLED ()

and ratified in open Council on MAY 31, 2022 by 100 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Teresa McCoy	X			
Boyd Owle	X			
Bucky Brown	X			
TW Saunooke	X			
David Wolfe	X			
Adam Wachacha	X			
Bo Crowe	X			
Bill Taylor	X			
Albert Rose	X			
Dike Sneed	X			
Tommye Saunooke	X			
	100	0	0	0

Richard French

TRIBAL COUNCIL CHAIRMAN

Mary Johnson

ENGLISH CLERK

[Signature]

PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 6/3/22

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

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

INTERPRETED ()

OMITTED ()