

AMENDED

PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: MAY 31 2022

RESOLUTION NO. 299 (2022)

*A resolution to exclude Johnny Tran 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, JOHNNY TRAN (date of birth 09/14/1991) 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 crime; and

WHEREAS, on April 25, 2002, JOHNNY TRAN was arrested on Goose Creek on the Qualla Boundary and alleged to be in possession of marijuana and a concealed firearm, and was taken to the Swain County Detention Center and charged; and

WHEREAS, JOHNNY TRAN has faced numerous charges (including drug charges) in several jurisdictions as an adult person; and

WHEREAS, JOHNNY TRAN was taken before a Cherokee Court Magistrate on April 25, 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 JOHNNY TRAN 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, JOHNNY TRAN 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 JOHNNY TRAN 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 JOHNNY TRAN 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.

AMENDED
PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA
May 31, 2022

AMENDMENT Resolution/ORDINANCE NO. 299 (2022) :

- Amend “April 25, 2002” to “April 25, 2022”

The attached Resolution/Ordinance No. 299 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

Murtha Johnson

ENGLISH CLERK

APPROVED (✓) VETOED ()

DATE: 6/3/22

[Signature]

PRINCIPAL CHIEF

VETO UPHeld () VETO DENIED ()

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 ()