AMENDED
PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY, NC

Date: **MAY 3 1 2022**

RESOLUTION NO. 3O1 (2022)

A resolution to exclude Jonathan Malpass 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 the lands, and the welfare of Tribal members; 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, JONATHAN MALPASS (Date of Birth: 07/30/1975) is not a member of the Eastern Band of Cherokee Indians, and has been residing in Swain County, North Carolina; and

WHEREAS, on May 16, 2022, JONATHAN MALPASS was found on Tribal trust lands allegedly while in possession of fentanyl and drug paraphernalia; and

WHEREAS, a Swain County magistrate found probable cause to charge JONATHAN MALPASS with Felony Possession of a Schedule II Controlled Substance, in violation of N.C.G.S. § 90-95(A) in Swain County District Court case 22-CR-50286; and

WHEREAS, JONATHAN MALPASS has faced previous drug and criminal charges in neighboring jurisdictions; and

WHEREAS, while in custody, on May 16, 2022, JONATHAN MALPASS was served with a Writ of Emergency Temporary Exclusion issued by a Cherokee Court magistrate; and

WHEREAS, due to the nature of the alleged criminal actions of JONATHAN MALPASS and based on her residing on or near Tribal trust lands, the Tribal Council has good reason to believe that JONATHAN MALPASS 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,

JONATHAN MALPASS 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 JONATHAN MALPASS 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 JONATHAN MALPASS is found improperly on Tribal lands at any time after the effective date of this resolution, she shall be treated as a trespasser and appropriate legal action shall be taken against her.

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 Attorney General's Office on behalf of the Chief of Police as provided in Cherokee Code Chapter 2.

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA
May 31, 2022

AMENDMENT Resolution/ORDINANCE NO. 301 (2022) :

- Amend the 9th, "WHEREAS," strike "her" and insert, "him"
- The second, "BE IT FURTHER RESOLVED," change "she" to "he" and the next line change, "her," to "him"
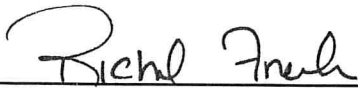
The attached <u>Resolution</u>/Ordinance No. <u>301</u> dated <u>MAY 31, 2022</u> was:
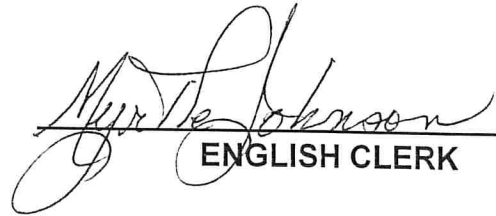
      PASSED (X)
      KILLED ( )

and ratified in open Council on _____<u>MAY 31, 2022</u>_____ by ___<u>100</u>__ voting for the act
and ___<u>0</u>___ 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

_____
TRIBAL COUNCIL CHAIRMAN

_____
ENGLISH CLERK

_____
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 ( )