

7  
**PASSED**

**CHEROKEE COUNCIL HOUSE  
CHEROKEE, QUALLA BOUNDARY, NC**

**Date: AUG 02 2022**

**RESOLUTION NO. 365 (2022)**

*A resolution to exclude Angel Nicole Smith 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, ANGEL NICOLE SMITH (Date of Birth: 03/11/1989) is not a member of the Eastern Band of Cherokee Indians; and
- WHEREAS, on July 12, 2022, Cherokee Indian Police Department officers responded to 719 Seven Clans Lane in response to a call about a suspicious vehicle and possible drug activity at a gas station; and
- WHEREAS, ANGEL NICOLE SMITH was arrested and charged in Jackson County District Court with Felony Possession of Schedule I Controlled Substance, Felony Possession of a Schedule II Controlled Substance, and Possession of Drug Paraphernalia in case 22-CR-51087; and
- WHEREAS, ANGEL NICOLE SMITH was served with a Writ of Temporary Emergency Exclusion in case TB-22-020 and was given a date by the Cherokee Court magistrate to appear before Tribal Council, and in response to being served with the banishment paperwork, ANGEL NICOLE SMITH was upset and cried and said her family lived here and she considered this her home; and
- WHEREAS, due to the nature of the alleged criminal actions of ANGEL NICOLE SMITH, Tribal Council has good reason to believe that she 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, ANGEL NICOLE SMITH 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 ANGEL NICOLE SMITH 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 ANGEL NICOLE SMITH 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.*

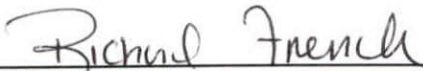
The attached Resolution/Ordinance No. 365 dated AUGUST 2, 2022 was:

PASSED ( X )

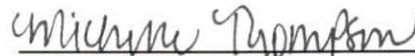
KILLED ( )

and ratified in open Council on AUGUST 2, 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



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED (  ) VETOED ( )

VETO UPHELD ( ) VETO DENIED ( )

DATE: 8/8/22

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 ( )